

MISSISSIPPI HEADWATERS BOARD

COMPREHENSIVE PLAN

September 1, 2019

Mississippi Headwaters Board

Executive Summary

The Mississippi Headwaters River Corridor is located along the first 400 miles of the Mississippi River in North Central Minnesota. It is characterized by the presence of surface water, associated drainage basins and groundwater aquifers, a complex vegetative system and freshwater, and wetland and terrestrial wildlife habitat. These abundant resources are strongly influenced by human culture.

In 1980, eight counties (Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, and Morrison) signed a joint-powers agreement to uphold the Mississippi Headwater Board (MHB) Comprehensive Management Plan. In 1981, the legislature enabled this Comprehensive Plan with zoning authority through Minn. Stat. § 103F. 361-103.F. 377.

This Comprehensive Plan has been updated to comply with the provisions as referenced by statute and to address the annexation by municipalities, new technologies, and the increased needs of the region.

This Comprehensive Plan essentially maintains the same restrictions as the previous plans. Revisions have been subject to review meetings of committees appointed by the MHB Board.: The MHB endorsed goals to implement this Comprehensive Plan. They are to complement existing water protection efforts in the Mississippi River watershed; to provide a format for partnerships working together for the common good and toward common goals; to encourage stewardship in practices affecting water quality; and to provide opportunities for education to diverse peoples and increased information regarding the protection and enhancement of the five MHB values.

MHB's mission is to enhance and protect outstanding and unique natural, scientific, historical, recreational, and cultural values in the first 400 miles of the Mississippi River from its source at Lake Itasca in Clearwater County to the southerly boundary of Morrison County, Minnesota.

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Part I.

Administration and Authority

A. Who is the Mississippi Headwaters Board (MHB)?

The **MHB** is an eight-county (Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, and Morrison) joint-powers board which was united in 1980 with the signing of the Joint-Powers Agreement (Appendix 5). In 1981, the Minnesota legislature duly authorized MHB to preserve and protect the outstanding and unique natural, scientific, historical, recreational, and cultural values of the first 400 miles of the Mississippi River. (See Minn. Stat. § 103F.361, Subd. (1) and (2); Minn. Stat. § 103F.361-377, Appendix 6.)

Organization and Structure

The members of the MHB consist of eight county commissioners, one from each county, and are governed by the MHB by-laws. The MHB Advisory Committee (MHAC) consists of members appointed by the counties, at large by the Board, and/or other entities such as cities or townships that have adopted or share the MHB values for the Mississippi River. MHAC members may also be from technical groups such as planning and zoning, forestry, land commissions, Minnesota Department of Natural Resources (MN DNR), MN Pollution Control Agency (MPCA), U.S. Army Corps of Engineers (USACE), and/or other agencies including tribal partners. Administration of the standards of the MHB lies chiefly with member counties. The functions of the MHB are governed by the by-laws. The MHB provides opportunities for member counties to review and comment on administration and enforcement of MHB ordinances at public meetings. The MHB relies on its Advisory Committee to review and advise on the administration and enforcement of its land use regulations.

Purpose

Minn. Stat. § 103F.367 states: “The Mississippi Headwaters Board established by the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison by agreement entered into on February 22, 1980, pursuant to Section 471.59 is established as a permanent board with authority to prepare, adopt, and implement a comprehensive landuse plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.” (See Minn. Stat. § 103F.361, Subd. (1) and (2); Minn. Stat. § 103F.361–377.)

B. WHAT does the MHB do?

The Mission

The MHB’s mission is to enhance and protect outstanding and unique natural, scientific, historical, recreational, and cultural values in the first 400 miles of the Mississippi River from its source at Lake Itasca in Clearwater County to the southerly boundary of Morrison County, Minnesota. (See Minn. Stat. § 103F.361–103F.377, the Joint-Powers agreement, and cooperation with other entities).

Powers

The Minnesota Legislature has empowered the counties to protect streams and lakes through regulation of land use above the Ordinary High Water Mark (OHWM). Some activities below the OHWM are permitted by other agencies, with review by MHB to promote consistent administration of standards. In the Mississippi Headwaters Corridor, the Comprehensive Plan represents the “common administration” (see Minn. Stat. § 103F.369, Subd. 3 of “minimum standards”; (Subd. 2) for protection of the river by the counties; Subd. 4 townships, and/or annexing municipality, or governmental unit adopting the standards; and Minn. Stat. § 103F.371.) Where this Comprehensive Plan is more restrictive than the Local Government Unit (LGU) standard, the MHB standards are the governing standard. More restrictive tribal or LGU standards take precedence over the MHB standards

Certification and Review Authority: MHB certifies or disapproves variances, plats, and the adoption or amendment of ordinances. Specifically, the MHB, as necessary, ensures that this Comprehensive Plan is not nullified by unjustified exceptions. MHB may review and provide comment and/or certification on land use actions prior to the local public hearings.

MHB provides administrative review and comments on conditional-use permit requests and forestry plans prior to the local public hearing. The MHB reviews this Comprehensive Plan as referenced throughout the statute as stated in Minn. Stat. § 103F.361–103F.377. MHB encourages and promotes consistent and effective protection of the scientific, natural, cultural, historic, and recreational values of the Mississippi River.

C. WHEN did the MHB go into effect?

MHB History

The MHB was established in 1980 as the result of a grass roots effort by the eight counties as an alternative to federal control of the Mississippi River Corridor. Had the Mississippi River been included in the National Wild and Scenic Rivers System (it remains eligible), the National Park Service would have been the administering agency with authority to condemn private lands and purchase those lands at a specific market value.

One of the most unique pieces of Minnesota legislative history—and one of the first joint zoning authorities in northern Minnesota—the MHB serves as a model for other Joint-Power boards. As it stands today, the Mississippi River is under the control of **locally elected officials**, with administration through county government. With zoning authority provided by the Minnesota State Legislature, the Joint-Powers agreement of the eight counties surrounding the River, the MHB implemented the 1981 Management Plan for the Upper Mississippi River. The Comprehensive Plan was updated in 1984, 1992, 2002, and 2019. A comprehensive history of the authority of the MHB from 1981 to 2000 is maintained in the MHB office or may be viewed on the website at <http://mississippiheadwaters.org>.

Requirements of the National Park Service

The National Park Service agreed in November 1980 to hold in abeyance its conceptual master plan for designation of the Mississippi Headwaters into the National Wild and Scenic River system. However, the federal government recommended that the MHB achieve the following goals to “head off potential problems in its plans for the river.”

1. The MHB should initiate and maintain cooperative agreements with the United States Forest Service (USFS), the State of Minnesota, and the Leech Lake Indian Reservation to address the concerns and management roles of the Board, its member counties and these agencies in implementation of this Comprehensive Plan. The Board may enter into cooperative agreements with such other entities as it may deem necessary for implementation of this Comprehensive Plan.”
2. The Mississippi Headwaters Management Plan should be established as the standard of the MHB and the eight member counties by the Minnesota Legislature.
3. The MHB should establish a flexible land acquisition program that would identify those vulnerable shorelands requiring more protection than zoning; provide an acquisition schedule that sets priority for the shorelands by their vulnerability and availability for sale; recognize that availability for sale may change over time and allow revision of acquisition priority; and explore the many avenues of willing acquisition for the landowner’s education including land exchange, donation, easements, etc.
4. The Mississippi Headwaters Management Plan should provide a strong and consistent zoning ordinance, including standards for conditional-use permits, for consistent management of land use rules, and equal treatment of landowners.
5. The MHB should address management of recreation activity including management of recreation between developed facilities; management of litter and trespass problems; responsibility in the event of incidents or accidents; and control of careless recreational activity.
6. The MHB should establish long-term secure funding for operations and achievement of management goals and objectives.

The **major points of difference** between the MHB’s 1980 Plan and the proposals for management of the Upper Mississippi by the National Park Service are that the MHB Plan:

1. Did not propose any new federal authority or role
2. Relied primarily on local zoning authority and use of existing public lands and authorities to protect the river rather than relying on significant new purchases of land or interests in land
3. Where some new purchases are recommended to provide new recreation sites or shoreland protection, it would be solely on a willing-seller basis—rather than the possible use of condemnation to acquire lands or interests in lands—under the terms and conditions prescribed in the National Wild and Scenic Rivers Act.
4. Recommended the continuance and enhancement of the full range of recreational pursuits

D. WHERE is the MHB Corridor?

Jurisdiction

The MHB jurisdiction applies to the unincorporated areas of the counties lying along the Mississippi River and Headwaters Lakes. The MHB Corridor consists of three designations as **Scenic River, Wild River** and nine Mississippi **Headwaters Lakes** through which the Mississippi River flows—Carr, Irving, Bemidji, Stump (impoundment), Wolf, Andrusia, Cass, Winnibigoshish, and Little Winnibigoshish. For viewing of Corridor boundaries see the Official Zoning Map link in Appendix 3.

Leech Lake Band of Ojibwe (LLBO)

MHB jurisdiction does not alter or expand the zoning jurisdiction of the counties within the boundaries of the Leech Lake Indian Reservation. This Comprehensive Plan and county ordinances adopted pursuant to Minn. Stat. § 103F.369, Subd. 4 apply only to the area within the zoning jurisdiction of the counties as provide by law in effect prior to May 30, 1981.

E. WHY is the MHB's Ongoing Work Important?

Common Administration

The counties are the fundamental unit of the Corridor protection for the MHB. The MHB unites the eight counties through a set of consistent standards and management objectives providing common administration through the first 400 miles of the longest river in North America. In so doing, people who live along the Corridor have access to local officials and are easily able to participate in the processes and voice concerns about the decisions that affect the Corridor, where they work, live, and recreate. Minnesotans have provided a unified voice for sustainable land uses in the MHB Corridor. Minnesota Senator Bob Lessard, author of the establishment statute, maintains that local people are the true environmentalists with their deep appreciation and understanding of the Corridor. “Local officials protect and enhance the Corridor better, cheaper, and with more first-hand knowledge than the federal government can.”

It has been shown throughout MHB history that the Corridor is effectively protected and enhanced for future generations by local levels of government that choose to unite in a joint-powers format and work toward common goals. MHB is built on the premise that local government provides this service more effectively and less expensively than higher levels of government. Primarily MHB protects and enhances the Mississippi River, the corridor Headwaters lakes, and associated aquifer water quality through land-use stewardship. Public health, safety, and welfare are protected through zoning authority for an expanding population of Minnesota in the Upper Mississippi River Basin.

F. HOW does the MHB Perform the Task?

Management Tools

1. Zoning authority to regulate land use was set forth in this Comprehensive Plan and established allowable uses and development. The Plan was written and approved by the MHB and adopted by the eight member counties and the 1981 Minnesota Legislature. The original statute also established the authority for the MHB to review and certify certain decisions of the counties. Increased pressure for development and modern technology has been the impetus behind Plan updates. A Corridor of generally 500 feet (Scenic River) or 1,000 feet (Wild River and Headwaters Lakes) on either side of the river or lake was established.
2. The Zoning Authority provides administration and enforcement of the land-use standards outlined in this Comprehensive Plan. The MHB has certification authority over specific county decisions as outlined in Minn. Stat. § 103F.361–377. The MHB provides review and comment on other land-use decisions (see Appendix 1, Section 5).
3. MHB coordinates and facilitates the management of the Corridor through administering the standards and Plan Objectives.
4. MHB provides education to stakeholders about the standards and the function of the board for monitoring and public health safety and welfare of the River.
5. The Cooperative Agreements set forth standards and guidelines for activities on lands associated with the Corridor. The goals and objectives of this Comprehensive Plan are achieved through cooperative agreements with the LLBO, the MN DNR, the USFS, the Chippewa National Forest, and the U.S. Army Corps of Engineers (USACE).
6. **Funding:** Initial cash funding for the MHB was provided in 1981 by the Legislative Commission on Minnesota Resources (LCMR) and the member counties. Many changes have occurred in funding over the years. Currently, the MHB receives a biennial appropriation from the Governor's budget, and each county contributes cash and in-kind funding. Various grants that protect the Mississippi River are also acquired to help supplement base funding.

The MHB is organized as a joint-powers board, pursuant to Minn. Stat. § 471.59. As such, the board is an agency of the government and is exempt from Internal Revenue tax requirements—to the extent the law allows. The MHB received a ruling from the State Attorney General's office in 1981 stating this conclusion.

The MHB records its financial activities in accordance with generally-accepted accounting standards. With the receipt of grant funds, separate accounts are established to record receipts and expenditures for those program activities. These accounts are established to ensure that funds are used only for eligible activities. Crow Wing County is the host county and serves as the fiscal agent. MHB is audited by the State Auditor on a biennial basis.

Fees: Local permit fees and inspection fees may be established by resolution of the county. Fees shall be collected by the zoning authority for deposit with the County Treasurer and credited to the appropriate fund.

7. An inventory of river resources developed and adopted by the MHB may be reviewed, revised, and presented to the Minnesota Legislature as needed. This inventory of the natural, cultural, historical, scientific, and recreational sites on the Mississippi Headwaters, is available in the MHB Guidebook, Mississippi Headwaters River Trails maps, and River Watch data. These also contain an assessment of the river's health, risks to the Corridor, and other information.
8. Land exchanges, conservation easements, and fee-title acquisitions are management policies that may be used to provide for the retention, addition, and improvement of lands along the river for fish and wildlife habitat and recreational use. Minn. Stat. § 103F.369, Subd. 2 states: "... state or county lands within the boundaries established in the Plan may not be offered for sale or public lease ..." This Comprehensive Plan calls for the consolidation of public ownership along the river through land exchanges and conservation connections. Administration of the management policies is through the counties, land commissioners, and the MHB. Procedures are established in this Comprehensive Plan for the State of Minnesota to notify and advise compliance of governmental activities in the Corridor with the Mississippi Headwaters "Comprehensive Land Use Plan." (See Minn. Stat. § 103F.365, Subd. 4.)
9. MHB policies are approved or rescinded by the board. Policies may provide direction to staff in administrative decision-making and general office operations. Policies may simply reflect the best available information or technology of the day. Policies are available upon request from the MHB office.

The Role of Local Government Units (LGUs)

Counties

The eight member counties comprise the MHB. Each County appoints an elected County Commissioner to the MHB. Each county is represented by its duly elected Commissioner and appointed Advisory Committee members. The adoption and enforcement of this Comprehensive Plan is carried out through the individual counties. "The counties shall adopt land use ordinances consistent with the Plan" according to Minn. Stat. § 103F.369, Subd. 4.

Municipalities

Incorporated cities were not included in the original MHB Plan or jurisdiction. When cities annex lands within the MHB Corridor, they must adopt the MHB standards for the annexed lands. Minn. Stat. § 103F.375, Subd. 1. (1) and (2) requires a moratorium on all platting, building permits, construction, grading and filling, and vegetative cutting until land use regulations that are at least as stringent as the MHB standards are adopted by the annexing government unit which "comply with the provisions of [the] plan." The resulting regulations shall be certified for consistency with this Comprehensive Plan. Upon adoption of the MHB standards, and MHB certification of the applicable rules under the process outlined in Minn. Stat. § 103F.373, Subd. 1, 2, and 3, the moratorium may be lifted.

Townships

A limited number of townships along the Corridor administer their own zoning ordinances according to Minn. Stat. § 394.33. Subd. 1. Townships that have adopted the MHB standards in their ordinances include Greater Bemidji Area Joint Planning Board (Northern Township), Ten Lake Township, Frohn, and Bemidji of Beltrami County. The county is required to comply with the MHB Comprehensive Plan. Since they are part of and within the counties, townships must, in accordance with Minn. Rules 6120.3900, adopt shoreland management controls consistent with county controls and therefore MHB standards. Townships must cover the full range of shoreland management provisions that are covered by the county controls.

All local and special units, councils, commissions, boards and districts, and all state agencies and departments must exercise their powers so as to further the purposes of Minn. Stat. § 103F.361–103F.377. Land owned by the state, its agencies, and political subdivisions shall be administered in accordance with this Comprehensive Plan. (See Minn. Stat. § 103F.371.)

Part II.

Management Objectives

MANAGEMENT OBJECTIVES

The MHB is statutorily mandated to protect the Mississippi River and does so by providing context and coordinating partners to carry out this Comprehensive Plan. The MHB endorsed goals to implement this Comprehensive Plan. They are to complement existing water protection efforts in the Mississippi River watershed; provide a format for partnerships working together for the common good and toward common goals; encourage stewardship in practices affecting water quality; provide opportunities for education to diverse peoples; and increased information regarding the protection and enhancement of the five MHB values. See mission statement on page 5.

A. Significance of Protecting the Mississippi River

The significance of hydrogeological interchange between ground water and surface water has been recognized by the Environmental Protection Agency (EPA) and the Minnesota Department of Health (MDH) in the Source Water Protection (SWP) Program. More information is needed to adequately address how one influences the other. The significance of this interchange is that wellhead protection, which is primarily a ground water source, and surface water are part of the same system in a watershed. The result is that the welfare of the Upper Mississippi Watershed has the potential to influence rural and urban public health in public and domestic wells. Communities along the Mississippi River Corridor including down-gradient urban drinking water sources in St. Cloud, Minneapolis, and St. Paul are dependent on the quality of water maintained in the Headwaters area for their drinking water. These cities are major population centers for the state of Minnesota. Minneapolis utilizes the Mississippi River as its sole water source and pumps approximately 21 billion gallons of water each year with 57 million gallons of drinking water each day. As a result, the significance of protecting and enhancing the upper Mississippi River impacts the health and safety of more than 1.2 million of the State's population.

The upper corridor of the Mississippi River is a contributor of healthy water to impaired waters (Lake Pepin) in the lower parts of the state. By providing healthy water to the larger river system, it helps with regulatory, economic, and environmental sustainability of the Mississippi River system as a whole. Other significant factors that acknowledge the protection of the Mississippi River are relevant as well.

A quantifiable loss of habitat in western Minnesota and the Dakotas due to loss of Conservation Reserve Program enrollment and changing weather patterns has caused the drying up of existing wetlands. This will cause the Mississippi flyway to take on a more important role for habitat. The Mississippi flyway is the longest migration route of any in the western hemisphere, and is well timbered and watered to afford ideal conditions to support migrating birds. The Mississippi Headwaters supports more than 350 species of animals, mammals, and birds and is an important national treasure which supports threatened and endangered species like the Blanding's turtle, gray wolf, red-shoulder hawk, and the northern long-eared bat.

One of the goals of this Comprehensive plan is to support the eight MHB counties' local water planning efforts by achieving adoption of the minimum standards by each county.

The contents of this section of this Comprehensive Plan are the result of input from numerous public meetings (local and regional).

B. Values and Implementation Methods

Each of these implementation methods are intended to fulfill one or more of the five values in MHB's mission statement and/or statutory authority. Values and implementation methods are not limited to those listed and are not in a prioritized order. The interactive and interdependent nature of the values becomes apparent as the Mission is implemented through various projects. The Clean Water Land and Legacy Constitutional Amendment of 2008 along with other plans like the Watershed Restoration and Protection Strategy, Large River Restoration and Protection Strategy, North Central Landscape Plan, and local county water plans and One Watershed One Plan to help complement and aid the MHB Comprehensive Plan.

C.1. To Protect and Enhance Scientific Values

Goal: Organize agencies and organizations to promote protection of the Mississippi River regarding water monitoring and scientific data accumulation and modeling.

The MHB will:

- use data to identify and prioritize water quality issues pertaining to stormwater, groundwater, and source water protection;
- promote the use of best available technologies and develop processes to ensure that data is incorporated into state and county planning efforts.

C.2. To Protect and Enhance Natural Values

Goal: To preserve and protect the habitat and water quality of the Mississippi River and watersheds that drain into it by coordinating partnerships that meet the goals of the MHB.

The MHB will:

- form partnerships to promote the leadership of the MHB while leveraging resources to protect the river;
- protect and restore parcels along the Corridor and catchments to enhance the habitat and water quality of the catchment in cooperation with government and non-profit agencies;
- work with federal, state, and local agencies to ensure consistent communication between multi-jurisdictional entities;
- continue regional planning and implementation of stormwater protection practices with cities to help preserve the Mississippi River and continue developing regional and statewide awareness and education efforts about aquatic invasive species;
- maintain and enforce the Plan and minimum zoning standards to promote consistent performance-based zoning; mitigate impervious lot expansion through BMPs and plans; and maintain public land ownership in the Corridor.

C.3. To Protect and Enhance Historic/Cultural Values

Goal: Create partnerships and strategies with organizations to develop, protect, promote, store,

display, and increase awareness about the Mississippi River's valuable history and cultural areas.

The MHB will:

- utilize its website and the best available technologies to collect, store, and disseminate historical and cultural information;
- coordinate partners and tribes to gain and disseminate information of culturally significant areas and encourage the preservation of historic maps, photographs, and documents.

C.4. To Protect and Enhance Recreational Values

Goal: Facilitate and maintain new and existing partnerships with stakeholders to promote, develop, and protect the recreational opportunities that complement the Mississippi River.

The MHB will:

- work with local, county, and state partners to coordinate efforts and improvements to the Great River Road and the Mississippi River Trail to help people experience the river in a meaningful way;
- help coordinate multi-purpose water and recreational trail plans to encourage planning and implementation consistency at a regional level.
- work with local, county, and state partners to coordinate efforts to protect the member counties from invasive species.

Appendix 1.

Performance Standards

Section A — Introduction

The Minnesota Legislature has empowered the MHB to protect the Mississippi Headwaters Corridor through regulation of land use above the OHWM. Some activities on the shoreland are permitted by the MN DNR and other agencies with review by the MHB to promote consistent administration of minimum standards. In the Mississippi Headwaters Corridor, this Comprehensive Plan represents the “common administration” (Minn. Stat. § 103F.369, Subd. 3) of “minimum standards” (Subd. 2) for protection of the river by the counties, (Subd. 4) townships, and/or annexing municipality, or governmental unit adopting the standards. (See Minn. Stat. § 103F.371.)

Section B - Definitions, Abbreviations, and Acronyms

Unless specifically defined below, words or phrases used in this Comprehensive Plan shall be interpreted so as to give the words the same meaning as they have in common usage and so as to give this Comprehensive Plan its most reasonable application in light of the general regulatory scheme of this Comprehensive Plan. For the purposes of this Comprehensive Plan, the words “must”, “shall”, and “will” are mandatory and are not permissive. All distances, unless otherwise specified, shall be measured horizontally.

For the purpose of this Comprehensive Plan, certain words and terms are herein defined as in the Glossary located at the end of this document.

Section C - General Provisions

C.1. Jurisdiction

- a. **Jurisdictional Area.** The jurisdiction of this Comprehensive Plan shall include all lands, islands and waters in the Mississippi Corridor within the jurisdiction of the Counties.
- b. **Municipalities.** Municipalities lying within the area of the Mississippi Headwaters Corridor are encouraged to bring the land within their respective incorporated limits under the jurisdiction of the official controls of the MHB, or, at a minimum shall develop consistent and appropriate standards to achieve the intent and purpose of this Comprehensive Plan.
- c. **Annexed Unincorporated Areas.** When land within the Corridor is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning controls and standards for that land. The zoning controls and standards shall be consistent with the provisions of this Comprehensive Plan that applied to the land before the annexation. This provision does not apply to work for which lawful permits were previously issued. Pertinent local ordinances shall provide that these permits shall expire after one year if no work has begun on the permitted project. The Zoning Authority may allow an extension of the permit for

up to 12 months.

- d. **Leech Lake Band of Ojibwe (LLBO).** The LLBO has jurisdiction over those lands governed by tribal trust within the Corridor. By agreement with the MHB, the LLBO will work to uphold the values and standards of the MHB Plan.

C.2. Compliance

The use of the Mississippi River shorelands—the size and shape of the lot; the type, dimensions, and location of structures on the lot; the installation and maintenance of water supply and waste treatment facilities; the filling, grading, lagooning, or dredging of any Mississippi River shoreland area; the cutting of shoreland vegetation; and the subdivision of lots—shall all be in full compliance with the terms of this Comprehensive Plan and meet the intent of Minn. Rules 7080, 7081, 7082, 7083 (septics) as promulgated by the MPCA and Minn. Rules 4720, promulgated by the MDH, 8420 Wetland Conservation Act, and 6120 Shoreland Management Act.

C.3. Abrogation and Greater Restrictions

- a. **Supersedes Other Ordinances.** The Standards of this Comprehensive Plan supersede all provisions that are less restrictive of any other zoning ordinances that apply to the Mississippi Headwaters Corridor.
- b. **More Restrictive Ordinances Allowed.** This Comprehensive Plan does not prohibit the County, LLBO, or local governments from adopting or continuing in force, by ordinance, regulations of the Mississippi River or Headwaters Lakes and their adjacent lands and islands, which are more restrictive than those required by this Comprehensive Plan.
- c. **Deed and Zoning Provisions.** It is not otherwise intended, nor shall it be construed by this Comprehensive Plan, to repeal, abrogate or impair any existing deed restrictions, covenants, or ordinances thereof other than zoning to the extent specified in the above paragraph titled “Supersedes Other Ordinances”.
- d. **Supplemental Provisions.** The County, LLBO, or local governments may adopt additional specific permit procedures or donations or other requirements for compliance so long as they are at least as restrictive, or great, than those required by this Comprehensive Plan.

C.4. Severability and Plan Amendments

The provisions of this Comprehensive Plan shall be severable, and the invalidity of any section, subsection, paragraph, subparagraph, sub-division, or any other part thereof shall not make void any section, subsection, paragraph, subparagraph, subdivision, or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Comprehensive Plan or the application of this Comprehensive Plan to a particular property, building, or other structure, the judgment shall not affect any other provision of this Comprehensive Plan or any other property, building, or structure not specifically included in the judgment.

Amendments to this Comprehensive Plan may be made in compliance with Minn. Stat. § 103F.369, (Subd. 2), "in any way that does not reduce minimum standards set forth in the Plan."

Section D — Mississippi Headwaters Corridor

D.1. General Considerations

General considerations and criteria used in establishment of the classifications and delineation of the Mississippi Headwaters Corridor are: preservation of natural areas; present ownership and development of shoreland areas; shoreland soil types and characteristics; topographic characteristics; vegetative cover; water quality; recreational use of surface water; road, utility, and service center accessibility; necessity to preserve and protect natural, cultural, scientific, historic, and recreational values of the shorelands.

D.2. Corridor Defined by Map

In order to protect and manage the Mississippi River and its shoreland, the Headwaters Corridor has been classified as Wild River, Scenic River, or Headwaters Lakes. The boundaries of the Corridor, as represented in the MHB Interactive map, are defined as:

| | |
|------------------|---------------------|
| Wild River | 1000 feet from OHWM |
| Scenic River | 500 feet from OHWM |
| Headwaters Lakes | 1000 feet from OHWM |

This revised MHB interactive map is hereby designated as the Official County Zoning Map upon adoption of this Comprehensive Plan by the counties. To view this map on our Home Page, click on Regulatory Management/Comprehensive Management Plan/Go to Interactive Map:

<http://www.mississippiheadwaters.org/comprehensiveManagementPlan.asp>.

Confirmation of the exact location of the Corridor and its boundaries shall be made by the Zoning Authority. Paper maps are available in the MHB office for those without the use of internet access.

Section E — Zoning Classifications

E.1. River Classifications

- A. **Wild.** The classification of "Wild" designates those areas of the river Corridor that are generally inaccessible, except by trail, and which include unique and significant natural, cultural, historic, scientific, and recreational values, and are generally considered remote. These areas represent the region's appearance before organized European settlement.
- B. **Scenic.** The classification "Scenic" designates those areas of the river Corridor with

relatively undeveloped shorelines, with important natural, cultural, historic, scientific, and recreational resources. There is limited access to the river and other shorelines.

- C. **Description.** The following table classifies the Corridor by river segment. RM is the abbreviation for River Mile with Lake Itasca as the beginning point.

| <u>River Segment</u> | <u>Classification</u> |
|----------------------|-----------------------|
| Lake Itasca to RM 47 | Wild |
| RM 47 to RM 90 | Scenic |
| RM 90 to RM 146 | Wild |
| RM 146 to RM 400 | Scenic |

The MHB Interactive Map helps to define the “Wild” and “Scenic” designation of the Mississippi River and Headwater lakes.

- D. **Areas Excluded.** These classifications do not include incorporated areas or Headwaters Lakes. Incorporated areas are subject to zoning restrictions set by the local government unit, other county ordinances, and state and/or federal regulations.

E.2. Lake Classification

Headwaters Lakes

Headwaters Lakes are comprised of the lakes: Carr, Irving, Bemidji, Stump (impoundment), Wolf, Andrusia, Cass, Winnibigoshish, and Little Winnibigoshish.

E.3. Areas Excluded

These classifications do not include incorporated areas or areas governed directly by the LLBO. Incorporated, non-annexed areas are subject to zoning restrictions set by the LGU, other county ordinances, and state and/or federal regulations.

Section F — Construction or Structure Standards

F.1. Standards

The following table establishes the minimum standards for lot size, lot width, structure and ISTS setback, shore impact zone, and structure height for each zoning classification.

The following standards apply to the Corridor:

| Classification | Minimum Lot Size | Structure Setback from OHWM | ISTS Setback from OHWM | Lot Width at OHWM and at Building Line | Shore Impact Zone | Structure Height |
|---|--------------------|-----------------------------|------------------------|--|-------------------|------------------|
| River Wild | 10 acres | 200 feet | 150 feet | 330 feet | 100 feet | 18 feet |
| River Scenic | 5 acres | 150 feet | 125 feet | 330 feet | 75 feet | 35 feet |
| Headwaters Lakes: General Development* | 30,000 square feet | 100 feet | 75 feet | 100 feet | 50 feet | 35 feet |
| Headwaters Lakes: Recreational Development* | 40,000 square feet | 100 feet | 75 feet | 150 feet | 50 feet | 35 feet |
| Headwaters Lakes: Natural Environment* | 80,000 square feet | 150 feet | 150 feet | 200 feet | 75 feet | 35 feet |

* Unsewered / single dwelling (see Minn. Rules 6120-3300).

** General Development (GD) Lakes, Minn. Rules 6120-3300 reduced lot area for only non-riparian lots serviced by Public Service Districts.

The MHB recognizes that other local government, state, or federal regulations may be more restrictive than the above standards in certain areas or situations. The more restrictive regulations take precedence.

F.2. Agricultural Building Height Exemption

Buildings used for agricultural purposes are exempt from maximum structure height restrictions.

F.3. Existing Legal Non-conforming Lots

EXISTING LEGAL NON-CONFORMING LOTS OF RECORD

A. A non-conforming lot that was either of record in the office of the County Recorder prior to July 1, 1992, or was of record on or after July 1, 1992 but before the effective date of this ordinance and complied with standards in effect at the time it was recorded in the office of the County Recorder, shall remain a legal non-conforming lot and shall be allowed as a residential building site without a variance provided that:

1. All structure and septic system setbacks can be met, and;
2. A Type 1 sewage treatment system consistent with Minn. Rules 7080 can be installed or the lot is connected to a public sewer, and;

3. The impervious surface coverage does not exceed 25% of the lot.
- B. If an individual lot in a group of two or more contiguous lots in the Corridor are under the same ownership and were of record in the office of the County Recorder prior to July 1, 1992, and does not meet the requirements of this Ordinance for lot size and/or width, the lot must **not** be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more of the contiguous lots so that together, they equal one or more parcels of land that will meet the current requirements of this Ordinance.
- C. Pursuant to Minn. Stat. § 394.36, Subd. 5, contiguous lots under the same ownership are exempt from this section of this Comprehensive Plan and may be considered as separate parcels for the purposes of sale, transfer, or development if each individual lot meets all of the following requirements:
 1. The lot meets at least 66 percent of the dimensional standards for lot width and lot size for the land use district within which it lies; and,
 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a type 1 subsurface sewage treatment system meeting the standards consistent with Minn. Rules 7080 and local government controls; and,
 3. Impervious surface coverage must not exceed 25 percent of each lot; and
 4. Development of the lot must be consistent with an adopted comprehensive plan.

D. IMPERVIOUS SURFACE PERFORMANCE STANDARDS

Shoreland District—Shoreland Protection Zone

Impervious surface coverage shall not exceed 25% without a variance. Each plan or practice shall follow county ordinances for design or process.

On lots with total impervious surface coverage that exceeds 25%, a stormwater management plan shall be prepared by either the county, the applicant, or their designated agent, and meet approval of county zoning staff.

F.4. Significant Cultural Sites

A. General Provisions

No structure may be placed on an identified cultural site in a manner that affects the values of the site unless adequate information about the site has been recovered and documented by the Minnesota State Historical Society (MHS).

B. Un-platted Cemeteries

No structure shall be placed nearer than 50 feet from the boundary of an un-platted cemetery or of a significant cultural site protected by the MHS.

C. Notification and Review for Presence of Cultural Sites.

All zoning actions submitted to Mississippi Headwaters Board for review and certification must be evaluated for the presence of cultural sites. Notice will be made to the MHB regarding pending development, subdivisions or plats. The information

will be used to address the cultural aspect of the certification process by the MHB. A development plan and training for site workers to identify previously unidentified cultural indicators may be recommended. To check for cultural resources, use the State Archeologist website at <https://osa.gisdata.mn.gov/OSAPortal> to evaluate for the presence of cultural resources if a disturbance of soil will occur. If cultural resources are noted in that section, a call to the State Historic Preservation Office will be made to determine location of cultural resource and if action will disturb site.

F.5. Bluff Impact Zone

Structures and accessory facilities, except stairways, lifts, and landings, must not be placed within bluff impact zones.

F.6. High Water Elevations

Where state-approved local flood-plain management controls exist, structures must be placed at an elevation consistent with the controls as determined by the MN DNR. Where these controls do not exist, the lowest floor, including basement, shall not be placed at an elevation lower than three feet above the OHWM.

In order to preserve floodplain areas, applicants should be advised that according to flood plain maps, the site in question may be within the 100- or 500-year flood plain. Where flood elevations have not been delineated, this statement is to serve as a notice from MHB of suitability to the applicant to consider susceptibility of flooding and the resulting limitations for development which may be harmful to health, safety, welfare, or economic values of future residents of the proposed development. The natural state of each lot or subdivision should be suitable for a proposed use with only minimal alteration. For suitability analysis, see Section T.

F.7. Steep Slopes

Before issuing a permit for construction of sewage treatment system (SSTS), roads, driveways, structures, and/or other improvements on steep slopes, the slope must be evaluated for possible soil erosion impacts and development visibility from public waters. If necessary, the permitting authority must impose conditions to prevent erosion and preserve existing vegetative screening of structures assuming summer, leaf-on vegetation. No excavation may be made between the building line and the water.

F.8. Stairways, Lifts, and Landings

A. Construction Requirements.

Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion and follow state building codes.

B. Visibility Minimized

Stairways, lifts, and landings must be located to minimize visibility from the public water, assuming summer, leaf-on conditions.

C. Handicap Accesses

Facilities to provide access to shore areas for physically handicapped persons are allowed, provided the dimensional and performance standards are met.

F.9. Decks

Decks not meeting the minimum structure setback requirements may be added to structures existing on July 1, 1981, provided the following criteria are met:

- A. The deck encroachment toward the ordinary high-water mark does not exceed 15 percent of the existing shoreline setback from the ordinary high-water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- B. The deck is not roofed or screened.

Section G — Unified Site Plan

Local Zoning Authorities will utilize approved existing Site Plans and findings of fact to present to the MHB under the following guidelines.

G.1. Purpose

A Unified Site Plan (USP) shall be prepared for all variance applications, plats, and rezoning of particular tracts. The Zoning Authority may, at its discretion, require a USP for other permitted activities. The USP must be approved by the Zoning Authority or its designee. MHB will review and provide comment on the USP to the Zoning Authority.

The MHB recognizes the ability of the Zoning Authority to prudently and properly issue permits for the construction of structures, individual sewage treatment systems, and other lot improvements.

G.2. Standards

The standards of the Unified Site Plan are:

1. Retain or recreate original hydrologic conditions by minimizing use of pavements and impervious surfaces and retaining original runoff volume and velocities.
2. Confine development and construction activities to the least critical areas by avoiding critical areas such as long, steep slopes, erodible soils, and fragile vegetation.
3. Fit development to terrain.
4. Preserve and utilize the natural drainage system.
5. Establish and/or maintain at least a 10-foot vegetative buffer zone at the water's edge.
6. Utilize natural vegetation landscaping.
7. The applicant shall provide evidence of compliance with all Federal, State and local permits or requirements specifically: the Clean Water Act, Phase II permit for stormwater management, ISTS, and other applicable requirements.

G.3. Unified Site Plan Criteria

The Unified Site Plan must include the following information:

- Date of submittal
- Property owner's name, address, phone number, parcel ID number
- Legal description of property – lot and block, certificate of survey, county, township range, section, and subsection
- Description of proposed construction
- Existing vegetative cover
- Existing and proposed shoreline buffer strips
- Soil Type
- Structure setback from OHWM
- Septic system setback from OHWM
- Amount of excavation within shore impact zone and outside the impact zone
- Percent of slope at building line
- Significant topographic features that affect the project
- Drainage patterns and vegetative buffers
- Type of vegetation that will be removed or changed for construction purposes or landscaping plans
- Percent of impervious surfaces such as roofs, sidewalks, driveways, parking areas
- Erosion control measures during construction
- Erosion control measures after construction
- Material adverse effect (if required)
- Suitability analysis (if required)

The USP must include a scaled site drawing and photo showing existing vegetative cover, slope and topography, property lines, rights-of-way, easements, location of existing buildings and structures, areas for the proposed project, and the areas of soil disturbance. Related site plans, such as ISTS Plans, may fulfill some requirements of the USP.

G.4. Material Adverse Effect and Suitability Analysis

Based on the information provided in the USP and related site plan(s), the Zoning Authority shall determine whether the proposed use will result in a Material Adverse Effect (MAE) or be unsuitable for the property. This determination shall be considered in the MHB's review or certification of the land use request. The level of MAE and Suitability is based on a demonstration and information provided by the applicant. A demonstration by the applicant will show suitability of a site for the proposed use based on the criteria listed in the USP. The demonstration/information provided to the Zoning Authority to determine the level of material adverse effect may include BMPs, which may minimize material adverse effect to the Corridor.

Section H — Uses Within the Corridor

H.1. Purpose

The purpose of regulating land uses within the Corridor is to maintain the existing

environmental quality of the Mississippi River, the Headwaters Lakes and their shoreland, and to prohibit new uses which are incompatible with the intent of this Comprehensive Plan. These land-use controls will thus protect the economic and environmental values of the Corridor and promote sustainable growth and development.

H.2. Permitted Uses, Conditional Uses, and Non-permitted Uses

All of the following land uses are subject to the provisions depicted by the SP and the Stormwater Management sections of this Comprehensive Plan. Other sections may also apply to specific uses. Local, state, and federal regulations may also apply to specific land uses.

Land uses on Headwaters Lakes shall be governed by the individual county shoreland ordinances. However, the provision of this Comprehensive Plan may contain terms which impose limitations on land use on Headwaters Lakes. These use limitations shall apply to lands on Headwaters Lakes in addition to those of the individual county shoreland ordinances.

CORRIDOR LAND USE TABLE FOR RIVER CLASSIFICATIONS

KEY: P — the land use is permitted (may be subject to local controls)
 C — a conditional-use permit is required (or other use permits used by local counties)
 N — the land use is not permitted.

These are the uses that the MHB regulates. Any other use shall be regulated by the shoreland ordinance in each individual county.

| <u>LAND USE</u> | <u>AS IDENTIFIED IN</u> | <u>CLASSIFICATIONS</u> | |
|--|-------------------------|------------------------|-------------------------|
| | | <u>RIVER WILD</u> | <u>RIVER SCENIC</u> |
| Agricultural Uses | (Section L) | P | P |
| Bed and Breakfast | (Section R) | C | C |
| Boat Access, Public | (Section U) | C | C |
| Boat Access, Private | (Section S) | N | N |
| Campground, Open Space, Recreation | (Section R) | C | C |
| Cemetery | (Section Q) | N | C |
| Communication Towers | (Section N) | N | N |
| Decks | (Section F) | P | P |
| Essential Services | (Section N) | P | P |
| Forestry | (Section M) | P | P |
| Grading and Filling | (Section K) | C | C |
| Manufactured Homes | (Section H) | P | P |
| Planned Unit Developments (new) | (Section T) | N | C |
| Planned Unit Developments (modify existing) | (Section T) | C | C |
| Private Roads and Unpaved Public Roads | (Section O) | C | C |
| Public Lands Management | (Section U) | P | P |
| Public Roads (see also Grading and Filling) | (Section O) | P | P |
| Public Recreational Trails/Non-Motorized | (Section O & U) | C | C |
| Public Recreational Trails/Motorized | | N | C |
| Resort | (Section R) | C | C |
| Resort Conversions | (Section R) | C | C |
| Sand, Gravel, and Borrow Pits | (Section P) | N | C |
| Signs Necessary for Public Health, Safety, Recreational Use, and Identification | (Section S & U) | P | P |
| Signs Visible from Off-Shore | (Section S) | N | N |
| Single Family Dwelling | (Section H) | P | P |
| Stairways, Lifts, and Landings | (Section F) | P | P |
| Travel Trailers and Campers | (Section H) | C | C |
| Underground Mining | (Section P) | N | N |
| Utility Transmission, Gas, and Power Lines | (Section N) | P | P |
| Water Oriented Accessory Structures | (Section H) | N | N |
| Wetlands Establishment or Restoration | (Section K) | P | P |
| Wildlife and Fish Habitat Improvement | (Section K) | P | P |

H.3. Manufactured Homes

Manufactured homes shall be subject to the following conditions:

1. All County minimum dimensional standards and sanitary provisions shall apply to single family residential structures and uses.
2. Dwellings shall have their wheels and running gear removed and shall be placed on a permanent foundation.
3. Dwellings shall be at least 35 feet in length.
4. All other conditions that may be required by the County zoning ordinance or subdivision regulations.

H.4. Travel Trailers or Campers

Travel trailers or campers shall:

1. Be subject to all minimum dimensional standards and sanitary provisions of this Comprehensive Plan that apply to single family residential structures and uses.
2. Not be used for the purpose of permanent occupancy.
3. Be subject to all additional conditions that may be required by the County zoning ordinance or subdivision regulations.

H.5. Water-Oriented Accessory Structures

Water-Oriented Accessory Structures (WOAS) may be permitted on the headwaters lakes (not on the river) with the following restrictions:

1. WOAS shall not include boathouses.
2. WOAS shall be placed outside the Shore Impact Zone.
3. WOAS shall be placed outside of a bluff or steep slopes.
4. WOAS shall be allowed only on lakes and if allowed by local zoning ordinances.
5. WOAS size limit: 144 square feet surface/ground footprint with a 12½ foot maximum height at the peak of the roof.
6. WOAS shall be at least 3 feet above groundwater and/or the OHWM.
7. WOAS shall have no water or sewer.
8. WOAS are limited to one structure per property.
9. WOAS shall be located outside of the flood plain. With regard to the appearance of the WOAS, they shall be made as compatible as practicable with the natural areas as design limitations allow with regard to materials used and color.

Section I — Water and Sanitary Provisions

I.1. Public Waters Setback

The standards for ISTS setback from public waters, in Appendix I Section F of this Comprehensive Plan, supersede the standards of state and local rules—unless the local

rules are more restrictive than the standards of this Comprehensive Plan.

I.2. Subsurface Sewage Treatment Systems

All private sewage treatment systems must meet or exceed applicable rules of the MDH and the MPCA or follow county ordinance. Specifically Minn. Rules 7080–7083 for subsurface sewage treatment systems (SSTS).

Section J — Storm-water Management

J.1. Consideration

Proper storm-water management must be considered in compliance with state laws in reviews, approvals, and permits related to this Comprehensive Plan. It is recommended that best management practices and a storm-water management plan be considered.

Section K — Shoreland Alteration

K.1. Purpose

Alterations of vegetation and topography will be regulated to prevent erosion to public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, preserve the Corridor for movement of wildlife, protect fish and wildlife habitat, conserve cultural resources, and to preserve the scenic and aesthetic character of the shoreland. These best management practices for shoreland alterations will protect the water quality of the River and will therefore sustain the economic values in the Corridor.

The regulations for shoreland alterations set forth in this Comprehensive Plan, Minn. Rules 6120, or any county shoreland regulations which are more restrictive shall apply.

K.2. Vegetation Management Provisions

Vegetation alteration in the Corridor is allowed with the following provisions. Vegetation alteration shall be addressed in a USP if more than 15% of the existing vegetative cover is removed.

- a. **Exemptions.** Forestry uses, agricultural uses, and the construction of roads and rights-of-way regulated by county road building standards are exempt from the MHB vegetation alteration standards in b and c below.
- b. **Limited Vegetation Clearing.** In the Corridor and/or areas with bluff impact zones and/or areas of steep slopes, limited removal of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings and access paths, provided that:

- i. Removal does not exceed 25% of the existing vegetation, and erosion and sedimentation are minimized.
 - ii. The vegetative screening of structures, vehicles or other facilities is maintained.
 - iii. The vegetative shading of water surfaces is maintained; and
 - iv. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- c. **Intensive Vegetation Clearing.** Intensive vegetation clearing within the setback and bluff impact zones and/or areas of steep slopes is not allowed. Intensive vegetation removal outside the setback, and not involving a bluff impact zone or steep slopes, for forestland conversion to another use is allowed as a conditional use. This conditional use shall require a Unified Site Plan showing mitigation plans for the control of negative impacts.

K.3. Grading, Filling, and Alterations within the shoreland structure setback

A. Permit Required

The Zoning Authority shall allow a one-time permit for anything over 10 cubic yards of fill material within the structure setback. Any additional grading or filling work done within the Corridor shall require a conditional-use permit and shall comply with the BMPs listed below.

Grading and filling of the natural topography that is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, storm water run-off, tree clearing, and the destruction of natural amenities. A Site Plan (SP) may address these practices and shall be approved by the Zoning Authority.

A grading or filling permit may be issued only if the following Standards and BMPs are met:

B. Standards

Grading and filling of the natural topography shall also meet the following methods and practices:

1. The smallest amount of bare ground is exposed for as short a time as feasible.
2. Temporary ground cover (such as mulch) is used and permanent ground cover (such as sod) is planted.
3. Methods to prevent erosion and to trap sediment are employed.
4. Fill is stabilized to accepted and professionally-recognized standards.
5. Fill or excavated material is not placed in a manner that creates an unstable slope.

C. Steep Slopes

Plans to place fill or excavated material on steep slopes shall be reviewed by a qualified professional, such as the SWCD or a licensed engineer, for continued slope stability and in no case may create finished slopes of 30 percent or greater.

1. Fill or excavated materials are not placed in bluff impact zones.

2. Disturbed areas are restored in the same building season.

K.4. Altering Current or Cross Section of Public Waters

The excavation of material from, filling in, construction of any permanent structures or navigational obstructions, or any work that will change or diminish the course, current, or cross-section of the Mississippi River, Headwaters Lakes, or wetlands within the Corridor, is prohibited unless authorized by a permit from the Commissioner of the Department of Natural Resources pursuant to Minn. Stat. § 103G.245, and/or a permit from the USACE.

K.5. Drainage or Filling of Wetlands

Drainage or filling in of wetlands within the Corridor must be in compliance with the Wetland Conservation Act. The replacement and/or mitigation activities for the filling of a wetland within the Corridor, should take place in the Corridor.

Section L — Agricultural Practices

L.1. Conservation Plan Consistency

The Natural Resources Conservation Service (NRCS) performs voluntary conservation work. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and bluff impact zones are maintained in permanent vegetation and operated under an approved conservation plan consistent with the field office technical guide of the NRCS. The Zoning Authority or its designee will be responsible for the proper review of the Conservation Plans intended to minimize erosion and to protect water quality.

L.2. New and Existing Feed Lots

New animal feedlots, as defined by the Minnesota Rules Chapter 7020, are not permitted in the river corridor. Animal feedlots, barnyards, or agricultural waste systems in existence prior to July 1, 1992, may continue provided neither the size of the area involved in the use nor the number of animal units using the area increases. The MPCA feedlot registrations will serve as the means for this monitoring.

Section M — Forestry

M.1. Purpose

Forest management shall be allowed but limited to generally accepted forest-management practices and/or silvicultural techniques designed to promote and manage a healthy, diverse, and productive forest area. Emphasis should be placed on the maintenance, development, and improvement of shoreland forests subject to the regulations set forth in this section. The manual "Sustaining Minnesota Forest Resources," Minnesota Forest Resources Council, 2012:

[https://mn.gov/frc/docs/MFRC_Revised_Forest_Management_Guidelines_\(2012\).pdf](https://mn.gov/frc/docs/MFRC_Revised_Forest_Management_Guidelines_(2012).pdf) is a publication that the MHB suggests as a guideline to use.

Plan requirements for forest management within the Corridor:

1. The view from the water will be treated as most sensitive
2. Provision for riparian wildlife species must be a component of any plan
3. Significant cultural and other unique resources must be protected
4. Water quality changes due to forestry activities must be minimized
5. Timber and other forest resources may be harvested and utilized when the requirements of this Comprehensive Plan are met

M.2. Forestry Standards in the Corridor

If the activity is proposed to occur within 300 feet of the OHWM, a forest management plan for the property and/or site-specific timber harvest plan must be prepared prior to forestry activities occurring on the property. The plan must be submitted to and approved by the County Land Commissioner, or other designated county official, and must have been reviewed by MHB. Implementation of the Forestry Management Plan must comply with the submitted and approved plan. Forestry activities requiring a plan include timber harvesting, intensive site preparation, and forest access road construction. Approval of plans shall be based upon how well the plan addresses the goals of the MHB.

The plan must also include provisions to address and protect:

1. Water quality
2. Forest soils
3. Erosion control
4. Aesthetics
5. Wildlife and aquatic habitat
6. Cultural or historic resources known to occur on the property
7. Fire hazards, insects, and diseases
8. Disposal of petroleum products, trash, and hazardous substances
9. Endangered or threatened resources known to occur on the property

M.3. Recommendations for Forestry Practices to Address Riparian Forest Values

To prevent damage to soils, timber harvest activities may only take place when the ground is frozen or when the soils are sufficiently dry. Post-operational activities should include plans for removal of equipment and timber before spring thaw, and to restore timber removal on trails and landings to reduce soil erosion and compaction.

To reduce potential erosion and sedimentation, seed grasses and install water bars on roads or trails developed during timber harvest activities. Minimal soil disturbance should

occur in the shore impact zone.

To maintain or enhance habitat characteristics for riparian forest wildlife species, retain as many mature long-lived tree species and dead, standing trees as possible after a timber harvest. Logging residue (limbs, unmerchantable logs) disbursed across the harvest area can provide habitat for many species of wildlife.

To maintain or enhance the visual quality of the Corridor, minimize logging residue adjacent to the shoreline and public roads. Utilize irregular timber harvest boundaries, and retain some mature, long-lived trees during harvest to reduce the apparent size of the harvest area.

Section N — Utility Transmission Lines and Related Facilities

N.1. Purpose

It is essential for the state to regulate utility transmission crossings of lands within the jurisdiction of the Corridor in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects, which may result from such utility crossings.

As well as providing environmental protection, proper location and construction of utilities can promote smart growth in the Corridor through the placement of major utilities in or near areas that are most suitable for development.

N.2. Permits Required for Crossings

Transmission utility lines crossing lands within the Corridor **require a conditional-use permit** from the Zoning Authority (or its designee) and/or the Public Utilities Commission. In reviewing permit applications for such crossings, primary consideration should be given to crossings that are proposed to be located with, or adjacent to, existing public facilities (such as roads and utilities).

A conditional-use **permit is not required** for essential services as defined in this Comprehensive Plan.

N.3. Wireless Telecommunication

Wireless telecommunication such as but not limited to any ground or roof mounted structure of more than 35 feet in height above average ground level built for the purposes of supporting, elevating or attaching antenna (s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services shall not be located within the Corridor.

Section O — Roads, River Crossings, and Recreational Trails

O.1. Roads and River Crossings

It is essential to regulate the construction of new public roads and reconstruction of

existing public roads within the Corridor in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. By allowing the LGUs this local control of the road standards as stated below, the MHB will be assisting in limiting redundancy and also reducing costs for the planning of public transportation.

A permit as established in Minn. Stat. § 103G.245 is required from the Commissioner of Natural Resources for the construction or reconstruction, removal, or abandonment of any road or railroad crossing of a public water.

0.2. Road Standards

This Comprehensive Plan recognizes the advances that the state, the counties, and townships have made in improving their specifications for road construction which promote and implement the standards as set forth in the 1992 Mississippi Headwaters Management Plan. Therefore, under this Comprehensive Plan, the MHB accepts the newer local government standards, and makes the LGUs responsible for upholding these current standards and reporting any non-standard road construction practices to the MHB.

LGUs are required to have established road standards that are included in the county ordinances.

Construction of public roads is a permitted use in the Land Use Table of this Comprehensive Plan. Construction of driveway accesses is a permitted use. Construction of private roads requires a conditional-use permit and must comply with the **grading and filling** provisions in Section K of this Comprehensive Plan.

0.3. Recreational Trails

A. Purpose

By allowing standards for trails along the MHB Corridor, MHB intends to enhance recreation and provide equivalent protection of the River and Headwaters Lakes for recreational use along the Mississippi River. Some areas may not be suitable for trail development after assessment using the trail suitability considerations below.

B. Permits

New public recreational trails shall only be permitted in the Scenic River Classification and the Headwaters Lakes. The Zoning Authority must have established and maintained ordinances and standards that have been certified by the MHB. The following minimum elements are required for certification:

1. On-site Pre-application Conference
An on-site pre-application meeting to go over the proposed or concept plan for the development with the neighboring land owners, LGU, DNR, and local association representatives.
2. Trail Suitability Considerations
 - a. Drainage: existing and proposed drainage patterns, storm water, and high water events
 - b. Erosion: mitigation of high erosion conditions
 - c. Environmental Assessment Worksheet: used as a scoping document
 - d. Topography and land alterations

- e. Wet lands and water table separation
 - f. Bank stabilization
 - g. Geographical features: streams, roads, buildings vegetation, etc.
3. Layout and Design
- a. Trail map showing location and topography
 - b. Disturbance to shore, bluffs, and vegetation
 - c. Impact on cultural heritage sites

C. Standards

Recreational trails shall be a conditional use within the building setback area—and a permitted use outside the setback area—when the following items are addressed:

1. Land easements or acquisitions are attained from landowners
2. The plans for ongoing maintenance and funding of the trails shall be described in a SP which shall also address the items in Section G of this Comprehensive Plan as well as each of the following elements:
 - a. Repair and maintain hard/asphalt surfaces to prevent the leaching of petroleum, alkaline, or other potentially detrimental materials from the trail into the River/Headwaters Lakes
 - b. Maintain the BMPs for sites from initial construction throughout the life of the trail sites
 - c. Address **existing drainage patterns**, storm water and high water events; the SP map shall show where water will concentrate on the property, areas of overland flow, depressions, scales, and natural watercourses; increased runoff should be limited or mitigated so erosion does not occur
 - d. Address **topography**, a topographic map showing contour elevation of 10 feet, noting steepness and length of slope; the longer the slope, the greater is the potential for erosion
 - e. Address **soil types** for flood hazard, natural drainage, depth to seasonal water table permeability, shrink swell potential, texture, and erodability
 - f. Show **existing vegetation**, any denuded or exposed areas, and unique vegetation; if existing vegetation cannot be maintained, then construction shall be conducted to minimize erosion; the vegetative buffer of native grasses, shrubs and trees will be maintained for at least 15 feet from the water's edge in order to protect water quality, provide habitat for wildlife, and maintain the natural aesthetic of the shoreline
 - g. Identify, preserve, and avoid disruption of **cultural heritage sites**
 - h. Delineate **geographic feature areas** adjacent to the trail on the map such as, but not limited to: streams, roads, houses, other buildings, and wooded areas
3. The trail base shall:
 - a. Be designed to drain away from the river or lakes as much as possible
 - b. Be placed above the OHWM
 - c. Provide at least a 15-foot natural vegetative buffer zone between the River/Headwaters Lakes and also the trail and on the opposite side of the trail
 - d. Be constructed with the least amount of disturbance to shoreline, bluffs, and vegetation
 - e. Maintain bank stabilization without excessive grading and filling
 - f. Be prepared to reduce washout during flooding, erosion during rain events,

- and to prevent loss of life and property
 - g. Width should be minimized whenever possible and should follow state-aid standards for trails and may be less in areas where appropriate; this should provide eligibility for federal funding for trails
 - h. Convert street beds or existing trails wherever possible
 - i. Coincide as much as possible with the Great River Road and USBR45/MRT
 - j. Maintain separate trails for conflicting trail uses whenever possible
 - k. Avoid wetlands and other vulnerable or sensitive sites areas
 - l. Maintain 3–8% slope for handicapped accessibility wherever possible
 - m. Trails shall be the only structures permitted in the first 50 feet from the OHWM; other structures shall adhere to the building standards of this Comprehensive Plan.
4. Subject to the minimum standards outlined in this Comprehensive Plan, consideration shall be given to facilities required to support trail usage, including but not limited to, the following:
- a. Access points must have adequate parking and signage
 - b. Adequate and maintained trash receptacles
 - c. Shaded lighting where needed
 - d. Informational kiosks regarding safe and responsible recreation
 - e. GPS location for 911 emergency purposes
 - f. Public restrooms consisting of sealed systems
 - g. Picnic tables/shelters, benches, fire pits or grills, and telephones for emergency purposes.

All of the above must provide equivalent protection of the river/lakes. Equivalent protection may be achieved through mitigation of potential negative impact to the shoreline, wildlife habitat, and other river/lake values that are protected by the MHB.

D. Rerouting

A conditional-use permit shall be required for any realignment or re-routing of areas or segments of existing public trails located in the Wild River Classification in which formal review has determined these segments or areas may be creating or causing a negative impact to the Mississippi River Corridor.

Section P — Sand, Gravel, and Borrow Pits

P.1. Purpose

Regulation of extraction or extractive uses within the Corridor protects the hydrogeological connectedness of groundwater and surface water that may be drinking water sources.

P.2. Extraction

Extraction, processing of extracted materials, or accessory extractive uses are not allowed in the Wild sections of the Corridor or on Headwaters Lakes. Extraction, processing of extracted materials, or accessory extractive uses is a conditional use in the scenic sections of the Corridor, provided the standards in this section of this Comprehensive Plan and the

local zoning authority are met.

P.3. Site Development and Restoration Plan

The Zoning Authority shall prepare and approve a site development and restoration plan for each use developed after July 1, 1992. The plan must include an SP, which addresses the items in section III-G of this Comprehensive Plan, as well as the following points:

- dust abatement
- noise abatement
- discharge of materials and petroleum products that may be pollutants
- hours of operation, dates of operation, and duration of activity
- proposed mitigation of effects on wildlife
- erosion control and proposed mitigation for erosion
- identification of cultural sites
- consideration of alternate existing sites
- restoration of the land
- rehabilitation plans shall include clean fill only

Sites that have been in operation prior to July 1, 1992, must prepare rehabilitation plans for the site that include erosion controls.

Section Q — Cemeteries

Q.1. Cemetery Development is Conditional Use

Development of a cemetery within the Corridor is a conditional use in the Scenic River class provided the standards in this section of this Comprehensive Plan are met.

Cemeteries must be platted according to state law. Cemetery development is not allowed on Headwaters Lakes or in the Wild River class.

A. Site Plan (SP)

A plan shall be submitted to and approved by the Zoning Authority. The SP shall also address each of the following items:

1. Name of the cemetery
2. Legal description of the property affected
3. Names and addresses of applicant, owner, surveyor, and designer of the plan
4. Graphic scale
5. Arrow depicting north on the plan
6. Date of preparation
7. Total acreage of property
8. Square footage for each proposed site
9. Existing soil conditions and topographic contours
10. Roads and proposed roads showing right-of-way widths
11. Proposed location and type of on-site sanitary treatment facilities and domestic

water supply

12. Accessory facilities, existing or to be constructed, by type and location
13. All streams, creeks, ponds, wetlands, and swamps
14. Appropriate drainage provisions

B. Activities Allowed

Burial only is allowed on site. No embalming nor other related activities are allowed on site.

C. Flood Plain Restrictions

No placement of graves nor accessory facilities within the designated flood plain.

D. Grave Liner Approval Required

Each burial must be in a vault or grave liner approved by the MHB.

Section R — Campgrounds, Resorts, and Bed & Breakfasts

R.1. Campgrounds

A. Conditions for Expansion

Expansion of a campground by more than two units from the number normally in use prior to July 1, 1992, must comply with the standards in this subsection and requires a conditional-use permit.

B. Unified Site Plan (USP)

USP for all proposed new campgrounds, or expansions of existing campgrounds, shall be submitted to the Zoning Authority.

C. Density Requirements

Campgrounds must comply with the following density and length-of-stay requirements.

1. Campground: 8 units per acre; 4,000 square feet each site; 40 feet minimum width for each campsite.
2. Camping on an individual campsite per party is restricted to 14 consecutive days or less at one time without an RV.
3. Recreational Vehicle Park Campground: 4 camping vehicle units per acre; 8,000 square feet each camping site; 80 feet minimum width for each camping site.

D. Accessory Structures Prohibited

No accessory structures shall be permitted on any campsite.

E. Access Roads

All roads shall have a 50-foot minimum right of way. One-way roads within the campground must have a roadbed of at least 15 feet in width. Two-way roads within the campground must have a roadbed of at least 24 feet in width.

F. Setbacks and Sewage Treatment Systems

Each camping site must meet the building setback requirements of this Comprehensive Plan, the individual sewage treatment system standards, and the Minn. Rules 7080.

G. Licensing

Campgrounds shall be licensed by and shall meet all standards prescribed by the MDH and other state agencies with regulatory authority over such uses—as well as the standards set forth in this Comprehensive Plan.

H. Conditional-use Permit Considerations

When reviewing an application for a conditional-use permit for any campground, the Zoning Authority shall evaluate the effect of the proposed campground with regard to Minn. Stat. § 394.

1. Maintenance of safe and healthful conditions;
2. Prevention and control of water pollution, including sedimentation;
3. Existing topographic and drainage features and vegetative cover on the proposed site;
4. The location of the site with respect to the flood plains and the flood ways of the Mississippi River;
5. The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover;
6. The location of the site with respect to existing or future township, county, state or federal roads; and
7. The compatibility with uses on adjacent lands.

R.2. Resorts**A. Expansion**

Expansion of a resort shall not be allowed without the issuance of a conditional-use permit, with the following exceptions.

The expansion to an existing resort (PUD) involving six or fewer new units or sites, after the date of this Comprehensive Plan, shall be allowed as a permitted use, with the issuance of a building permit, provided that:

1. The total project density does not exceed the allowable densities prescribed in Minn. Stat. Chapter 103, Minn. Rules 6120.2500–6120.3900 as amended.
2. The septic system is assessed to be large enough for the increased units.
3. The work shall comply with the requirement of Minn. Stat. § 103F.227.

B. Review Criteria

When reviewing an application for a conditional-use permit for construction of a new resort or expansion of an existing resort, the Zoning Authority shall evaluate the effect of the proposed resort or resort expansion with regard to the criteria in each local zoning ordinance and meet the following criteria:

1. Maintenance of safe and healthful conditions
2. Prevention and control of water pollution—including sedimentation

3. Existing topographic and drainage features and vegetative cover on the proposed site and proposed alterations with mitigation
4. The location of the site with respect to the floodplains and the floodways of the River
5. The erosion potential of the site based upon the degree and direction of the slope, soil types, shoreline stability, and vegetative cover
6. The location of the site with respect to existing or future township, county, state, or federal roadways
7. The compatibility with land uses on adjacent lands
8. Appropriate density is determined on the lot
9. The septic system is up to code
10. Additional local restrictions may apply

C. Unified Site Plan (USP)

A USP for all proposed resorts and resort expansions and conversions that require a conditional use permit shall be submitted to the Zoning Authority.

D. Licensing

Resorts shall be licensed and shall meet all standards of the MDH. In the event of conflict between those regulations and the regulations of this Comprehensive Plan, the more restrictive standards shall apply.

E. Resort Conversions

Resort conversions require a conditional-use permit. Existing resorts or other land uses and facilities may be converted to residential PUDs provided that the land is properly zoned for residential use by the Zoning Authority to the appropriate residential land use category and all of the following standards are met.

1. Proposed conversions must be initially evaluated using the same procedures for residential PUDs involving all new construction. Inconsistencies between existing features of the development and these standards must be corrected. Proposals must also meet the conditional use criteria standards.
2. Deficiencies involving water supply and sewage treatment, structure color, impervious surface coverage, open space, and shore recreation facilities must be corrected as part of the conversion and shall be specified in any conditional-use permit issued.
3. Shore impact and bluff zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore impact or bluff zones
 - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water
 - c. If existing dwelling units are located in shore impact or bluff zones, conditions are attached to approvals of conversions that preclude exterior expansion in any dimension or substantial alterations. The conditions must also provide for

future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements whenever they are rebuilt or replaced.

R.3. Bed and Breakfasts

A. Residence Requirement

Bed and breakfasts must be contained within a single-family residence. An addition may be allowed to establish the use. A second building to establish the use is not allowed.

B. Rental Units

The number of rental units is limited to no more than four, or the standards prescribed by the County Public Health or locally delegated program, whichever is more restrictive.

C. Parking

Additional parking is limited to one vehicle per rental unit.

D. Septic Systems

Septic systems must be up to code to handle the additional units.

Section S – Docks and Signs

S.1. Signs

A. Signs Visible from Surface Water

Signs visible from the river or lake are not allowed with the exception of public health and/or safety, recreational use, and identification signs.

All signs must meet the following criteria:

1. Sign must be no larger than 6 square feet in area
2. Sign must be related to a permitted use within the Corridor
3. Aesthetics of the sign must be in relation to the surrounding area
4. No lighting of the sign is allowed

B. Signs Not Visible from Surface Water

Signs not visible or completely screened from view of the river or lake are permitted, but are subject to local regulations.

S.2. Docks

Docks are regulated by the State of Minnesota. Local restrictions may apply.

Section T – Subdivision, Platting, and Planned Unit Development

T.1. Purpose

Subdivision is the practice of dividing any land parcel that is contiguous in area and under common ownership into two or more smaller parcels. Subdivision shall be planned to provide green space to protect natural areas.

T.2. Suitability

Each lot created through subdivision must be suitable in its natural state for the proposed used with minimal alteration.

Suitability analysis by the Zoning Authority shall consider:

- A. 100-year floodplains and susceptibility to flooding
- B. Existence of wetlands and rankings for the wetlands as may be determined by the best available information and technology
- C. Inadequate drainage
- D. Soil and rock formations with severe limitations for development
- E. Severe erosion potential
- F. Unfavorable topography
- G. Inadequate water supply or sewage treatment capabilities
- H. Near-shore aquatic conditions unsuitable for water-based recreation, important fish or wildlife habitat, or proximity to significant identified cultural sites
- I. Any other feature of the natural land likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community

These considerations and potential BMPs must be addressed as part of a SP—for any subdivision of land.

T.3. Required Information

A plan must be submitted with proposed land subdivisions in order to evaluate the suitability of the land for this subdivision. A USP must be submitted with proposed land subdivisions in order to evaluate the suitability of the land for this subdivision.

T.4. Plat Review

Plats must conform to Minn. Stat. Chapter 505. Copies of all proposed plats within the Corridor shall be submitted to the MHB for review at least 15 days prior to the public hearing of such plats by the governing body on the suitability of the land for such subdivisions.

LGUs shall not grant final approval of a plat until the developer has:

1. filed a road development agreement with the LGU that has been signed by both the developer and the local road authority, and
2. complied with all the requirements imposed by the LGU.

T.5. Conservation Development,(CDs) Planned Unit Developments (PUDs), Common Interest Communities (CICs) and Cluster Housing Units (CHUs)**A. Purpose**

CDs, PUDs, CICs, and CHUs may be allowed only when the proposed development provides a better means of preservation than traditional subdivision practices for agricultural land, open space, woodlands, scenic views, wetlands, and other features of the natural environment.

B. Preliminary Approval

USPs are required for review by the MHB.

C. Permits

CDs, PUDs, CICs, and CHUs are permitted as conditional-use permits. The Zoning Authority must have established and maintained ordinances and standards that have been certified by the MHB.

The following minimum elements are required for application and certification:

1. On-site impacts, including but not limited to:
 - a. Setbacks from lake and property lines; both existing and proposed
 - b. Vegetation: restoration, landscaping, and screening
 - c. Shore impact zones: alterations or uses allowed and restricted
 - d. Docking; mooring; boat access; shore stations
 - e. Buffer zones between development and adjacent property owners
 - f. Outside lighting as it impacts neighbors.
2. Surrounding Site Issues
 - a. Traffic: to, from, and within the development; possibility of requirements for turning lanes, improvements to existing roads and installation of new roads; access for emergency and service vehicles
 - b. Drainage: on and off property
 - c. Impervious surface coverage: roads, buildings, etc.
 - d. Minimization and mitigation of potential impacts
3. Layout and Design
 - a. Layout of units: a registered land survey of the parcel, and if applicable, blueprints showing number of bedrooms (to scale)
 - b. Density: existing and proposed; increases allowable and how much (formula for determining density)
 - c. Useable Land: identification of all wetlands, bluffs, steep slopes, etc.
 - d. Covenants; declarations; restrictions; type of enforcement (county or homeowner association)
 - e. Dedication of open space, location of open space (including who and what uses are allowed)
 - f. Type of CD/PUD/CIC/CHU: timeshare, lease, or ownership
 - g. Separate zoning permit required for units, septic system, shore alterations, etc.
 - h. As built: filed/recorded upon completion of structures
 - i. Grand-fathered-in resorts: different setbacks and/or densities
4. Septic System and Water Use
 - a. Water use and Management Plan

- b. Septic systems: existing, new, with alternate location; and type
- 5. Government Agencies
 - a. Emergency services: police, fire, ambulance, school district
 - b. Check list of agencies and/or associations who are notified of the development and their responses:
 - County (zoning, sheriff, engineer, surveyor, attorney)
 - Township(s) and/or commissioner
 - MN DNR
 - MDH
 - SWCD
 - ACE
 - Lake association
 - other

D. Altered Standards

Minimum setbacks and height limits may not be altered. Other dimensional standards may be altered as exceptions to the standards of this Comprehensive Plan, if the following criteria are met:

- 1. Central sewage treatment system facilities are installed which meet the standards, criteria, rules or regulations of the MN Dept. of Health (MDH) and the Minnesota Pollution Control Agency (MPCA).
- 2. There is not more than one centralized boat access facility for PUD residents only, and docking is provided by a centralized facility according to DNR standards.
- 3. Density shall not exceed two dwelling units per minimum lot size within the Corridor. Flexibility in density and dimensional standards can be petitioned with a study of Suitability and Material Adverse Effects that would provide greater vegetative buffers, improved wastewater collection and treatment, and a better means of preserving open space and natural areas.
- 4. Open space may be preserved through the use of restrictive deed covenants, public dedications, granting of scenic easements, conservation connections, or other alternative and innovative methods.

Section U — Management of Public Lands

U.1. Land Ownership

State or county lands within the Corridor may not be offered for sale or lease, “except for forest management, fish and wildlife habitat improvement, a veterans’ cemetery that complies with MS 102.369 subdivision 5, and open space recreational uses as defined in the Plan.” (See Minn. Stat. § 103F.369, (Subd. 2).) County tax-forfeited land in the Corridor should be retained.

County land commissioners will report to MHB annually on the status of public land ownership in the Corridor. MHB staff will work with the State of Minnesota, USFS, and LLBO to monitor holdings by those agencies in the Corridor.

U.2. Sale or Exchange of Public Lands

Sale or exchange of public land should be considered only if such action(s) will eliminate substandard non-conforming parcels, make private substandard non-conforming parcels more conforming, or if the sale or exchange is consistent with the goals and objectives of this Comprehensive Plan. (See Minn. Stat. § 282.01, (Subd. 7A.))

To protect unique shoreland areas, the counties will attempt to purchase scenic easements (conservation connections) or other interests in land from landowners who desire to sell them and where such purchases are desirable.

Where critical lands are acquired in fee title, from willing sellers, the county may wish to consider sale of other lands outside the management boundaries in order to offset any possible reduction in local tax base.

Local counties should be the decision maker on whether exchange of public lands are warranted based on local controls and processes.

To increase public land holdings along the Mississippi River and Headwaters Lakes, MHB member counties should initiate land exchanges with private landowners who want to exchange their land.

Land exchanges with the State of Minnesota should be undertaken to consolidate blocks of public lands in same ownership in order to develop more easily-managed public ownership.

Conservation connections and other incentives should be implemented on sensitive private lands requiring more protection than zoning can provide.

U.3. Acquisition of Lands

Acquisition is an option for those public and private lands requiring greater protection than zoning provides. Lands requiring greater protection will be identified through the river resources inventory, or on an as-needed basis, and according to the goals and objectives of this Comprehensive Plan.

The MHB will report on its land protection program to identify and develop guidelines for protection and protection strategies to the member counties and the Minnesota Legislature.

U.4. Non-recreational Leases

New non-recreational leases of public lands within the Corridor shall not be granted without review of the MHB for consistency with the goals and objectives of this Comprehensive Plan.

Existing non-recreational leases of public lands within the river management boundary shall be phased out wherever feasible and practical.

Existing recreational leases are allowed in the Corridor.

MHB staff shall meet with managers of leases on public lands to discuss the status of non-recreational and recreational leases within the Corridor.

U.5. Public Accesses with Boat Launches

A. Criteria

An MHB review is required for any public access with a boat launch. The Zoning Authority shall evaluate the proposed public access with regard to criteria established by the MN DNR and shall comply with the following standards:

1. Site can support the ramp without pilings, dredging, or special site preparation
2. Access shall be constructed only of gravel, natural rock, concrete, steel matting, or other durable organic matter
3. Boat launch shall be no more than 6 inches thick, 24 feet wide, extending 20 feet waterward or to a water depth not to exceed 4 feet, with no more than 30 cubic yards of fill and 60 cubic yards of excavation required
4. Boat launch site is not a posted fish spawning site
5. All soils disturbed during construction shall be stabilized by seeding or sodding in the same construction season and meet the standards for excavation, grading, and filling set forth in the Shoreland Alteration Section of this Comprehensive Plan.

U.6. Public Trails

MHB review is required for any new public trails within the Corridor. Standards and review criteria are listed under O.3 of this Comprehensive Plan.

U.7. Signs

Sign placement on public lands within the Corridor shall comply with Section S.1 of this Comprehensive Plan.

Section V — Administration

V.1. Authority

A. Administration

The provisions of this Comprehensive Plan shall be administered by the designated Zoning Authority.

B. Board of Adjustment or Planning Commission

The Board of Adjustment or Planning Commission of the county shall hear and decide appeals and applications for variances, CUPs, and review any order, requirements, decisions, or determination made by the Zoning Authority, who is charged with enforcing this ordinance in the manner prescribed by Minn. Stat. Chapter 394, as amended.

C. Fees

Permit fees and inspection fees as may be established by resolution of the county or township in support of MHB activities, shall be collected by the Zoning Authority for deposit with their treasurer and credited to the appropriate fund. Fees may be assessed

based on the annual funding estimates to prepare and implement this Comprehensive Plan and otherwise carry out the duties imposed on the MHB by Minn. Stat. § 103F.361–377.

V.2. Legal Non-Conforming Uses

A. Legal Non-Conforming Uses

Uses not permitted by this ordinance but which were in existence prior to the effective date of July 1, 1992, shall be legal nonconforming uses. Such uses may be continued but shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use of the activity as stipulated in the most current permit issued prior to July 1, 1992.

B. Change of Use

Such use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous twelve-month period.

C. Maintenance

Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted.

D. Existing Uses

All uses in existence prior to July 1, 1992 which are permitted, or conditional uses within the Mississippi Headwaters Corridor that do not meet the minimum lot area, setbacks, or other dimensional requirements of this ordinance are legal nonconforming uses and shall be allowed to continue provided that any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

V.3. Conditional Uses

A. Standards

Prior to the granting of a conditional-use permit by the Zoning Authority the applicant must show the standards and criteria contained in this ordinance have been met. The MHB shall administratively review the conditional-use application and provide comments to the Zoning Authority prior to the local public hearing decision.

B. Material Adverse Effect

The Zoning Authority may request the conditional-use permit applicant to demonstrate the nature and extent of the effect on the environment if, in their opinion, a material adverse effect may be the result of granting of the permit.

C. Considerations

In reviewing a request for a conditional-use permit, the Zoning Authority shall review the standards and criteria of this ordinance and the following general criteria:

1. The prevention of soil erosion or other possible pollution of the Mississippi River and its Headwaters Lakes, before, during and after construction
2. The limited visibility of structures and other facilities as viewed from public

waters

3. The adequacy of the water supply and the on-site sewage treatment
4. The assessment and management of natural, cultural scientific, historic, and recreational values of the site
5. The compatibility of the of watercraft (types, uses, and numbers) that the project will generate in relation to the ability of the Mississippi River, its shorelands, and the Headwaters Lakes to accommodate the proposed changes.

V.4. Administrative Reviews

A. Purpose

The MHB may authorize its director to review and make recommendations for conditional-use applications, Forest Management Plans, Timber Harvest Plans and SPs, and any other plans affecting land management within the Corridor.

B. Administrative reviews are given in order to:

1. Facilitate a timetable due to the building season
2. Meet the 60-day rule for administratively complete applications
3. Adhere to the requirements of other agencies which are more restrictive than those of MHB.

C. Administrative reviews should be referred to the MHB when a request:

1. Does not meet the criteria
2. Does not adhere to the requirements of other agencies
3. Is not consistent with this Comprehensive Plan.

V.5. Variances

A. Purpose

The purpose of MHB variance review is to assure that this Comprehensive Plan is not nullified by unjustified exemptions in particular cases and to promote uniformity in the treatment of applications for exceptions. (Minn. Stat. § 103F.373, Subd. 1.)

B. Conditions

The granting of a variance requires the presence of all the following conditions:

1. The strict enforcement of county zoning controls will result in unnecessary practical difficulty.

“Practical Difficulty” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

2. Granting of a variance is not contrary to the purpose and intent of the zoning provision contained within the Mississippi Headwaters Management Plan, its

standards and criteria, and is consistent with the policies adopted by the MHB.

3. There are exceptional circumstances unique to the subject property which were not created by the landowner.
4. Granting of the variance shall not allow any use which is neither a permitted nor a conditional use within the Corridor established in this Comprehensive Plan, in which the subject property is located.
5. Granting of the variance will not alter the essential character of the Corridor.

C. Material Adverse Effect

The Board of Adjustments may request the applicant to demonstrate the nature and extent of the effect on the environment if, in the opinion of the board, a material adverse effect may be the result of the granting of the variance (or if it is inconsistent with any provisions of this Comprehensive Plan).

D. Certification Required

Notwithstanding any provision of Minn. Chapter 394 to the contrary, a certified action is not effective until the MHB has reviewed the action and certified that it is consistent with this Comprehensive Plan. (See Minn. Stat. § 103F.373, Subd. 2.)

All variances to the requirements of this Comprehensive Plan must be reviewed and certified in accordance with the Review and Certification Procedures Section of the Statute.

V.6. Amendments to Ordinance

A. Authorization

The provisions of this Comprehensive Plan shall be considered the minimum standard when determining consistency of ordinances and ordinance amendments. (See Minn. Stat. § 103F.373, Subd. 2.) County ordinances regulating land use within the Corridor may be amended whenever public necessity and the general welfare require such amendments by the procedure specified in this section. Amendments to ordinances must be reviewed and certified by the MHB as specified in the Review and Certification Procedures Section.

B. Amendment Initiation

Requests for amendments of this ordinance shall be initiated by a petition of the owner or owners of the actual property or by action of the county.

C. Filing

An application for an amendment shall be filed with the Zoning Authority.

D. Hearing

Upon receipt of the application and other requested materials, the Zoning Authority shall conduct a public hearing in the manner prescribed by Minnesota Statutes.

E. Certification Required

Following the public hearing, the Zoning Authority shall make a report of its recommendations on the proposed amendment and shall file a copy with the county

within 60 days after the hearing. MHB review and certification must be obtained as specified in the Review and Certification Procedures Section of this Comprehensive Plan before the proposed amendment becomes effective.

F. Fees

To defray the administrative costs of processing requests of an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioners. Such fees shall be determined by the Zoning Authority and/or the MHB.

V.7. Amendments to, or Adoption of the MHB Comprehensive Land Use Plan

A. Purpose

Amend this Comprehensive Plan only when necessary, in such a way that it does not reduce the minimum standards set forth in the Plan, and in the most environmentally sound and cost-effective manner. (See Minn. Stat. § 103F.369, Subd. 2.)

B. Process

A schedule for review and/or possible revision of this Comprehensive Plan may be completed every 5 years by the MHB. Any revision shall be submitted to the eight participating counties for public hearings and approvals. Upon approval from all eight counties and complete compliance with the statute, the amendment shall be effective.

Adoption of amendments is optional for other government units. It is the responsibility of other government units to exercise their powers so as to further the purposes of the Statute and the MHB Plan. (Minn. Stat. § 103F. 371.)

In the event that proposed revisions are not approved, the existing plan will be maintained.

Section W — Review and Certification Procedures

W.1. Applicability

A. Actions Covered

The review and certification procedures are established for the following categories of land use actions directly or indirectly affecting land use within the area covered by this Comprehensive Plan:

1. Adopting or amending an ordinance regulating the use of land within the Corridor (including rezoning particular tracts of land)
2. Granting a variance from a provision of the local land-use ordinance which relates to the zoning dimension provisions of this Comprehensive Plan
3. Approve plats in accordance with M.S. 505 and PUD's and CIC's in accordance with M.S. 515B.

B. Review Required

No such local action shall be effective until the MHB has reviewed and certified the actions.

W.2. Procedures

A. Notice of Hearings

A copy of all notices of any public hearings (or where a public hearing is not required, a copy of the application) to consider zoning amendments, variances, or plats under the local ordinance shall be received by the MHB at least two weeks prior to the scheduled hearing or meeting.

The notice of an application shall include one of the following: 1) a copy of the proposed ordinance or amendment, **or** 2) a description of the requested variance, **or** 3) a copy of the proposed plat.

B. Administratively Complete Applications

Zoning Authorities will utilize existing SPs and Findings of Fact to present to the MHB. Applicants may authorize a waiver from the 60-day rule in order to continue a review process by the board and without needing to reapply.

C. Notification

The local authority shall notify the MHB of its final decision on the proposed action within 10 days of the decision, including copies of the Findings of Fact, minutes of the public hearing, and amendments or conditions to the action.

D. Certification Decision

The MHB shall communicate to the local authority with either a Certification of Approval (with or without conditions) or a Notice of Non-Approval within 60 days from the time they receive notice of the final decision.

E. Approval

The Certification of Approval becomes effective upon notification to the applicant and the Zoning Authority.

F. Non-Approval

Within 30 days of a Notice of Non-Approval (ordinance, variance, or plat) being issued, either the applicant or the Zoning Authority may file a demand for a hearing with the MHB. Also:

1. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minn. Stat. § 103G.311 as amended.
2. Within 30 days after the hearing, the MHB shall either certify its approval of the proposed action, or deny it. The decision shall be based upon findings of fact made on substantial evidence found in the hearing record.

If a demand for a hearing is not made within the 30 days of the Notice of Non-Approval, the notice becomes final.

G. Sunset Clause

The Certification of Approval shall expire after one year if no work has begun on the certified activity. With MHB notification, the Zoning Authority may allow an extension of the certification for up to 12 additional months. Certification shall not be

extended after the above-described 12-month extension.

Section X — Other Government Actions

X.1. Furtherance of Plan Required

Local and special governmental units, councils, commissions, boards and districts, and all state agencies and departments must exercise their powers to further this Comprehensive Plan and this ordinance as provided in Minn. Stat. § 103F.371. Land-use actions or activities directly affecting land use within the Corridor, including projects wholly or partially conducted, financed, permitted, assisted, regulated, or approved by governmental units or state agencies or departments must comply with this Comprehensive Plan or the governmental units or state agencies or departments must notify the MHB prior to approving the action or activities provided in this Comprehensive Plan.

X.2. Consistency Determination

The MHB shall determine whether a governmental action or activity furthers this Comprehensive Plan. Prior to approving an activity or action, a governmental entity that does not comply with the Plan must send a notice of any public hearings or meetings where the governmental action or activity will be considered to the MHB at least 15 days before the hearings or meetings. The MHB shall determine whether the activity or action is consistent with Minn. Stat. § 103F.371. If the MHB determines an action is not consistent, the governmental entity should work toward compliance with this Comprehensive Plan as outlined in the mutual agreements between the government entity and the MHB.

Section Y — Enforcement

Y.1. Violations

It is declared unlawful for any person to violate any of the terms and provisions of this Comprehensive Plan. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Applications for an activity within the Corridor will be considered only if there are no outstanding violations on that property.

Y.2. Restraint of Violations

In the event of a violation or a threatened violation of this Comprehensive Plan, the Zoning Authority or the MHB (in addition to other remedies) may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

Y.3. Specific Performance

Any person or resident may institute mandamus proceedings in the District Court to

compel specific performance by the proper official or officials of any duty required by the Plan.

Y.4. Severability

The provisions of this Comprehensive Plan shall be severable, and the invalidity of any section, subsection, paragraph, subparagraph, subdivision, or any other part thereof shall not make void any section, subsection, paragraph, subparagraph, subdivision, nor any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Comprehensive Plan or the application of this Comprehensive Plan to a particular property, building, or other structure, the judgment shall not affect any other provision of this Comprehensive Plan or any other property, building, or structure not specifically included in the judgment.

Y.5. Effect

This Comprehensive Plan shall have full force and effect from and after its passage, approval, and publication by law.

Appendix 2.

GLOSSARY:

**Definitions
Abbreviations and
Acronyms**

GLOSSARY — Definitions

All of these terms may not be included in this Comprehensive Plan document text but may be defined herein for purposes of discussion.

Abrogation: abolish, annul, or repeal

Accessory Use or Structure: A use or structure which is incidental and subordinate to and on the same lot as the principal structure and does not include living quarters. Such structures include sheds, storage shelters, pole buildings, detached garages, cargo containers, in-ground pools and similar structures.

Agricultural Easement: a restrictive covenant placed on residential developments adjacent to agricultural land waiving all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent land

Agricultural: real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to: fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products — **not** a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows: 1) chemical and fertilizer spraying; 2) farm machinery noise; 3) extended hours of operation; 4) storage and spreading of manure of biosolids under state permit; 5) open storage and spreading of manure and biosolids under state permit; 6) open storage of machinery; 7) odors produced from normal farm activities; 8) on-farm marketing of farm products

Agricultural Building or Structure: any building or structure, existing or erected, which is used principally for agricultural purposes

Alteration: any man-made change, addition, or modification of existing land use

Animal Unit: a unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced, on a regular basis, by a 1000 pound steer or heifer—see MPCA Guidelines

Aquifer: a geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water

Bed and Breakfast: a single-family dwelling used in part as rental units for lodging and providing one or more meals as part of the rental fee

Best Management Practices (BMPs): a practice or combination of practices for preventing or reducing diffuse or non-point source pollution to a level compatible with water quality goals (BMPs are dependent on the best available technology or information for resource management.)

Bioengineering/ Biotechniques: the scientific and technological design methods by which natural vegetation is used in landscaping shorelands for the purposes of shoreline stabilization, erosion prevention, wildlife and fisheries habitat and diversity, run-off

buffer, aesthetics, privacy and cost effective maintenance

(This may be done in conjunction with ecological restoration, supplemental planting to enhance an existing buffer or filter strip or combined with riprap.)

Bluff: a topographic feature such as a hill, cliff, or embankment having all of the following characteristics: 1) the slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots or 25 feet above the toe of the bluff for non-riparian lots; 2) the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater; 3) the slope must drain toward the waterbody; 4) part or all of the feature is located in a shoreland area

Bluff Impact Zone: a bluff (as described above) and the land located within 20 feet inland of the top of a bluff

Board of Adjustment: the MHB Member County's Board of Adjustment as described in Minn. Stat. § 394.27

Boat Access: a ramp, road, or other conveyance, which allows the launching and removal of a boat with a vehicle and trailer

Boat House: a structure designed and used solely for the storage of boats or boating equipment — see Water-oriented Structure

Buffer Strip: land area used to visibly separate one use from another or to shield or block structures, noise, lights, or other nuisances

Building: any structure used or intended for storage, shelter, or occupancy

Building Height: the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hip roof

Building Line: a line parallel to the lot line or street right-of-way at any story level of a building and representing the minimum distance which all or any part of the building is set back from said lot line or right-of-way line

Cabin: see Dwelling

Campground: any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational vehicles free of charge or for compensation

Cemetery: public and private cemeteries as defined in Minn. Stat. Chapter 306

Clean Fill: uncontaminated soil, sand, gravel, rock, or concrete; clean fill does not consist of metal, drywall, asphalt, or any substance containing petroleum, heavy metals, chemicals, or any substance with potential to be soluble in water, migrate in water, or contaminate

water

Clearcut: a harvesting technique that removes all the trees (regardless of size) on an area in one operation

Cluster Housing Units (CHUs): the development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the infrastructure and natural amenities of the land — see also Planned Unit Development

Commissioner: the Commissioner of the Minnesota Department of Natural Resources

Common Interest Communities (CICs): the contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for 1) real estate taxes levied against; 2) insurance premiums payable with respect to; 3) maintenance of; or 4) construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies — real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to Minn. Stat. § 515B.2–121, subsection f-1 — see Minnesota Common Interest Ownership Act Section 515.1-103D 10

Communication Tower: structures erected and intended to support antennas for the transmission of wireless communications

Conditional Use: a land use or development as defined by Minnesota Statutes that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning permit exist; (2) the use or development conforms to the comprehensive plan of the county; and (3) the use is compatible with the existing neighborhood

Condominium: a form of individual ownership with a multi-family building or development with joint responsibility for maintenance and repairs; in a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building

Conservation Connection: the voluntary and permanent transfer of specified development and land use rights from a landowner to a qualifying organization, as per Chapter 84C of Minnesota Statutes — see Easement

Conservation Development: a method of subdivision characterized by common open space and compact residential structure unit lots that may or may not be clustered
(The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.)

Controlled Access Lot: any lot which is designated for the exclusive use by non-riparian

landowners within a subdivision as a means to gain access to a lake, river, or stream

County: one of the eight member counties of the MHB or the county's Board of Commissioners

County Board of Commissioners or County Board: the governing body of a county

Deck: a horizontal, unenclosed platform—which may or may not be permitted—having attached railings, seats, trellises, or other features—that is attached or functionally related to a principal use or site and at any point extending more than one foot above ground level

Density: the number of dwelling units residing upon, or to be developed upon, an acre of land

Designee: a person or agency that has been designated by the Zoning Authority

Development / New: a new use of land, or a change in the existing use of land, that requires the issuance of a permit or approval of a local zoning authority

Dock / Permanent: a fixed structure, attached to the shoreline with footings, providing access to waterbodies and watercraft for water-oriented recreational activities and that remains in the water year-around

Dock / Temporary: a structure providing access to waterbodies and watercraft for water-oriented recreational activities on a seasonal basis that is easily removed from the water for part of the year

Duplex: a dwelling structure on a single lot, having two, three, and/or four units, respectively being attached by common walls and having each unit equipped with separate sleeping, cooking, eating, living, and bathroom facilities

Dwelling: any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons—including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins (A dwelling unit may be a manufactured or mobile home.)

Easement: a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines (An easement may also be granted for such uses as recreational trails, vehicular access, natural resource protection or management, limiting development, and similar uses.)

Essential Services: the provision of services to individual parcels by public utilities or municipal department or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment, and accessories in connection therewith—not including buildings or transmission services—reasonably necessary for the furnishing of adequate service by such public utilities or entities for the public health, safety, or general welfare—does not include wireless communication

Excavate: to make a hole, cavity, or tunnel; the disturbance of soil that alters the natural hydrology, stratigraphy, or drainage patterns of a lot

Extraction: the removal of aggregate, soil, minerals, or similar materials

Extractive Use: the use of land for surface or subsurface removal of sand, gravel, quarried or loose rock, industrial minerals, other nonmetallic minerals, topsoil, and peat not regulated under Minn. Stat. § 93.44 to 93.51

Family: one or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three persons not so related by maintaining a common household and using common cooking and kitchen facilities

Feedlot / Livestock: a lot or building, or a combination of lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure — see MPCA Guidelines

Fence: for the purpose of this ordinance a fence is any addition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary or within the required yard

Filling: the act of depositing any fill material

Filter strip: the use of land topography and native vegetation to provide runoff, erosion, and sedimentation control

Final plat: official plat to be filed in the office of the County Recorder according to Minnesota Statutes and the subdivision regulations of county

Flood Plain: the areas adjoining a watercourse which have been or hereafter may be covered by a regional flood

Floodway: the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge

Forest Land Conversion: the cutting of forested lands to prepare for a new land use other than re-establishment for a subsequent forest stand

Forestry: the management of land for forest, woodland, or plantation uses for one or more of the following purposes: 1) to establish and maintain timber resources; 2) to harvest timber, including the selling of firewood; 3) to establish and maintain healthy and well-balanced forest; 4) to establish and maintain wildlife diversity and habitat for game and non-game species; 5) to provide outdoor recreation activities; and 6) to protect soil and water resources

Gazebo: a freestanding accessory structure with no kitchen, sleeping, sanitary facilities, or

pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing— see also Water-oriented Accessory Structure

Generally Accepted Silvicultural Techniques (or Forest Management Practices): those activities recommended for forest management by “Sustaining Minnesota Forest Resources,” Minnesota Forest Resources Council, 2012

Geographic Information System (GIS): a computerized mapping system for integrating different technologies used in gathering, analyzing, and assessing spatial data.

Grading: changing the natural or existing topography of land

Hazardous Substance: any material solid, semisolid, liquid, or gaseous which because of its quantity, concentration or chemical, physical or infectious characteristic may: 1) cause or contribute to an increase in mortality or illness; 2) pose a hazard to human health or the environment when improperly treated, stored, treated, used, or managed
Categories include explosive, flammable or combustibles liquids or solids infectious, compressed gas radioactive, oxidizers, poison or toxic liquid or solids, irritants, corrosives and miscellaneous. Or, the same as that defined in CFR (Codified Federal Register 49 (PCA 2000)

Hazardous Waste: any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which, because of its quantity, concentration, or chemical, physical, or infectious characteristics may: 1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.)

Headwaters Lakes: these are the nine lakes within the Corridor: Carr, Cass, Irving, Bemidji, Stump (impoundment), Winnibigoshish, Little Winnibigoshish, Wolf, and Andrusia

Headwaters Lakes / General Development: large, deep lakes, or lakes of varying sizes and depths, with high levels and mixes of existing development—often extensively used for recreation and heavily developed around the shore (except for the very large lakes)

Headwaters Lakes / Natural Environment: small and often shallow lakes, with limited capacities for assimilating the impacts of development and recreational use—often have adjacent lands with substantial constraints for development such as high water tables and unsuitable soils (These lakes, particularly in rural areas, may be unsuitable for further development.)

Headwaters Lakes / Recreational Development: generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them (Development mainly consists of seasonal and year-around residences and recreationally-oriented commercial uses.)

Hydric Soils: soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part

Hydrophytic Vegetation: macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content

Impervious Surface: any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land
(Impervious surface does not include graveled driveways and parking areas.)

Individual Sewage Treatment System (ISTS): a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal— includes holding tanks and privies

Infrastructure: other services which may be included are fire, sheriff, school bus, water, fiber optics, and communications — see Related Essential Services

Intensive Vegetation Clearing: the substantial removal of more than 25 percent of trees or shrubs in a contiguous patch, strip, row, or block within 150 feet of the OHWM of the Mississippi River or the defined setback distance for the Headwaters Lakes

Landfill: a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste

Lifts: a mechanical conveyance for access up and down a slope

Light Pollution: the upward and outward distribution of light either directly from fixtures or from reflection off the ground or other surfaces

Local Government Unit (LGU): any government unit subordinate to state government units

Lot: a parcel of land designated by plat, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Line: the property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this ordinance

Lot of Record: a lot that has been recorded in the office of the County Recorder prior to the date of adoption of this Comprehensive Plan

Lot / Substandard: a lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this ordinance

Lot Width: the shortest distance between lot lines measured at the midpoint of the building line

Manufactured Home: — see Dwelling

Material Adverse Effect: the real or potential, acute or chronic negative impact of a use which, in the opinion of the jurisdictional government unit, may result in a negative effect on the environment

Mining Operation: the removal from the land of coal, salt, iron, copper, nickel, granite, petroleum products, or other minerals or materials for commercial, industrial, or governmental purposes

Mississippi Headwaters Board (MHB): a joint-powers board (pursuant to Minn. Stat. § 471.59 and § 103F.367, Subd.1) that is composed of one county commissioner from each of the following counties: Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison

Mississippi Headwaters Corridor or “Corridor”: the lands and waters contained within the Mississippi River and Headwaters Lakes zoning districts and identified in the MHB Comprehensive Plan maps

Mississippi Headwaters Comprehensive Plan or “this Comprehensive Plan”: the comprehensive land-use plan adopted pursuant to Minn. Stat. § 103F.369

Mississippi River Resources Inventory or River Resources Inventory: the list of recreational sites, endangered species, and important archeological sites within the Corridor and made available at the MHB — see Part I

Mobile Home: — see Dwelling

Mobile Home or Trailer Coach Park: this term applies to any lot or tract of land upon which two or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park

Modular Home: — see Dwelling

Natural Drainageway: all land-surface areas which by nature of their contour or configuration collect, store, and channel surface or runoff water

Nonconforming Use (nonconformity): any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized

Official Map: the MHB Corridor map established in the Appendices of this Comprehensive Plan

Open Space: land used for recreation, resource protection, amenities, and/or buffers
(In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.)

Open Space Recreational Uses: any recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas

Ordinary High Water Mark (OHWM): the boundary of public waters and wetlands, which shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape—commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial—or for watercourses, the ordinary high-water mark is the elevation of the top of the bank of the channel

Outstanding Violation: any on-going or completed activity which is not permitted by the MHB Standards for the Management of Shoreland Areas or pursuant to the authorization and policies contained in Minn. Stat. § 103F.201–103F.221, Minnesota Regulations, Parts 6120.2500–6120.3900, and the planning and zoning enabling legislation in Minn. Stat. § 394

Parcel: — see Lot

Pasture: areas where grass or other growing plants are used for grazing of domestic livestock and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding, temporary holding facilities, or watering devices

Patio: an impervious surface adjoining to a structure located at ground level

Permanent Foundation: the structural supports of a building that allow the building to be physically attached to the ground

Permitted Use: a use which may be lawfully established in a particular district or districts, without a conditional-use permit, provided it conforms to all requirements, regulations, and performance standards of that district

Planned Unit Development (PUD): a type of development, by a unified site design, for a number of dwelling units or dwelling sites on a parcel (for sale, rent, or lease) usually involving clustering of these units or sites to provide such areas of common open space, density increases, and a mix of structure types and land uses; may be organized and operated as condominiums, time share condominiums, cooperatives, full-fee ownership, or any combination of these; cluster subdivisions of dwelling units, CICs, CHUs, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, and conversions of structures and land uses to these uses

Planned Unit Development Subdivision (PUD/Subdivision): a subdivision that is designed using PDU standards in accordance with the pertinent requirements of this Comprehensive Plan

Planning Advisory Commission or Planning Commission (PAC): the MHB Member County's Planning Advisory Commission as described in Minn. Stat. § 394.30

Plat: the diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates

Practical Difficulty: as used in connection with the granting of a variance, the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property but not created by the landowner, and the variance, if granted, will not alter the essential character of the locality (Economic considerations alone do not constitute practical difficulties.)

Principal Use: the main use of land or buildings as distinguished from subordinate or accessory use—a "principal use" may be either permitted or conditional

Private Road: a roadway or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road

Public Service District: a designated area which is served by a municipality with both water and sewer services

Property Line: the legal boundaries of a parcel of property

Protected Waters of the State or Public Waters: lakes, rivers, streams, and wetlands designated under Minn. Stat. § 103G.005, Subd. 15

Public Land: land owned or managed by a municipal, school district, county, state, federal, or other unit of government

Public Nuisance: a condition that unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public

Public Road: any vehicular way which is an existing federal, state, county, or township roadway that is shown upon a plat approved pursuant to law as dedicated to public use, or is dedicated to public use

Public Uses: uses owned or operated by any governmental unit

Reach: a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction
(In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.)

Recreational Trail / non-motorized: a minimum impact path designed specifically for hiking, biking, horseback riding, or skiing for the purpose of enjoying the values of the Corridor

Recreational Trail / motorized: a trail designed specifically for the purpose of All Terrain Vehicles (ATVs)

Recreational Use: use that is primarily for the enjoyment of individuals and families, and is not party to commercial enterprise other than resorts, campgrounds, and bed and breakfasts

Recreational Vehicle (RV): any unit incorporated in, attached to, or intended to be attached to a motorized vehicle that provides living or sleeping facilities—includes, but is not limited to, travel trailers, campers, fifth-wheel campers, over-the-pickup cab campers, pop-up campers, fold-out campers, pickup topper campers, camper cars, bus campers, mini-homes, motor homes, and other similar units

Recreational Camping Vehicle Park Campground: an area accessible by vehicle, containing sites for travel trailers or recreational camping vehicles, and with central water supply and central on-site sewage treatment facilities connected to each site

Registered Land Survey. a survey meeting the requirements of a County Subdivision Ordinance prepared by a licensed professional surveyor

Related Essential Services: see Essential Services

Resort: any buildings, structures, or enclosures kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cottages, rooms, or enclosures

Restoration: the process of returning a site to its normal, original, or previous state

Riparian Lot: a lot that abuts public waters

River Corridor or “River”: — see MHB Corridor

River Classification / Wild: river segments that are located in forested, sparsely populated areas; predominant land uses include: multiple-use forestry, some recreation facilities, seasonal residential, and some year-around residential within commuting distance of major towns; (Low intensity recreational uses of these rivers and adjacent lands are common.) — see Appendix 1, Section E

River Classification, Scenic: river segments that are generally located in the middle reaches of river systems—common land uses include forests with riparian development strips and mixtures of cultivated, pasture, and forested beyond; some seasonal and year-around residential development exists, particularly within commuting distances of major towns (The types and intensities of recreational uses within this class vary widely.) — see Appendix 1, Section E

Road: a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated—ingress and egress easements shall not be considered roads

Sand and Gravel Borrow Pits: the removal of topsoil, sand, gravel, clay, rock, and surficial geologic deposits of unconsolidated material using shovels, loaders, trucks, and other similar equipment

Sanitary Facilities: accommodations such as toilet, bathroom, shower, and floor drains
— see Individual Sewage Treatment System

Screening: fencing, an earthen berm, or vegetative growth that visually separates one object from another

Selective Cutting: the removal of single scattered trees

Setback: the minimum horizontal distance between a structure, ISTS, or other facility and the ordinary high-water mark, road, top of a bluff, highway, property line, or other facility

Setback Area: the area between the minimum building line and the ordinary high-water mark of the River or the Headwaters Lakes

Sewage Treatment System: — see Individual Sewage Treatment System

Sewered Area: the shoreland area of a lake or river area where the residents are served by a municipal wastewater-treatment system or Subordinate Service District (SSD) established by the Zoning Authority and the LGU for the purpose of sanitation

Shore Impact Zone: land located between the ordinary high-water level of a public water and a line parallel to it, at a setback of 50 percent of the structure setback

Shrub: a woody plant up to 4 inches in diameter and/or 1 foot to 8 feet in height

Sign: any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of advertisement, announcement, direction, or informative device—including structural and component parts—that is located outdoors

Significant Cultural or Historic Site: any archaeological or historic site, standing structure or any other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08

NOTE: A historic site meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist, the Director of the MHS, the Leech Lake Tribe, or the MHB.
(All unplatted cemeteries are automatically considered to be significant historic sites.)

Single Family Residence: a dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants

Site Plan (SP): a Plan developed by the local zoning authority

Slope: the degree of deviation of a surface from the horizontal, usually expressed in percent

Solid Waste: garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants

Stairways, Lifts, and Landings: any structure providing access up and down a slope — see Lift

Standards: the minimum standards under Minn. Stat. § 103F.369, Subd. 3

Steep Slope: land where agricultural activity or development is not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Comprehensive Plan—where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more

Storage Building: — see Structure

Structure: any building, sign, or appurtenances to the building or sign, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances

Structure Height: the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof

Structure Setback: the line measured across the width of the lot at the point where a structure or campsite is placed in accordance with setback provisions

Subdivision: land that is divided for the purpose of sale, rent or lease, including PUDS, regulated by Subdivision Ordinances

Sub-standard Use: — see Nonconforming Use

Suitability Analysis: consideration by the responsible unit of government of the susceptibility to flooding, existence of wetlands, inadequate drainage, soil and rock formation with severe limitations for development, severe erosion potential, topography, inadequate water supply, sewage treatment capabilities, near-shore aquatic conditions unsuitable or water-based recreation, fish or wildlife habitat, significant cultural site, any other feature of the natural land likely to be harmful to the health, safety, or welfare of the future

residents of the proposed subdivision or the community (MHB 1992 Section 20.1)

Toe of the Bluff: the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a ten foot segment, measured on the ground, with an average slope exceeding 18 percent

Top of the Bluff: the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above; if no break is apparent, the top of bluff shall be determined to be the upper end of a ten-foot segment, measured on the ground, with an average slope exceeding 18 percent

Top of Bank: for the purposes of determining setbacks, the point at the edge of a river where hydric (wetland) soils end and non-hydric (upland) soils begin

Travel Trailer or Camper: a unit no more than eight feet wide and less than forty feet in length—but not limited to—designed for short-term occupancy and designed to be pulled behind a vehicle, upon the frame of a truck, or self-propelled units

Tree: a woody plant 4 inches or more in diameter or 8 feet or more in height

Use: the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained

Utility Transmission Lines: main lines and connections of utility lines providing essential services

Variance: any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship

Vegetation: the sum total of trees and shrubs in an area

Vegetative Buffer: a strip of well-rooted, natural vegetation at least ten feet wide, consisting of a mixture of grasses, shrubs and tree — see Filter Strip

Water-Oriented Accessory Structure or Facility: a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, fish houses, pump houses, patios and detached decks.

Wetlands: land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water—for purposes of this definition, wetlands must have the following three attributes: 1) have a predominance of hydric soils; 2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; 3) under normal circumstances

support a prevalence of such hydrophytic vegetation

Wetlands Conservation Act (WCA): an act of the Minnesota Legislature to provide comprehensive wetland protection

Zoning Authority: the entity designated by the county, LGU, or LLBO to administer zoning matters. Means counties, organized townships, local and special governmental units, joint powers boards, councils, commissions, boards, districts, and all state agencies and departments within the comprehensive management plan corridor, excluding statutory or home rule charter cities.

Abbreviations and Acronyms

| | |
|---------------|---|
| ACOE or USACE | (U.S.) Army Corps of Engineers |
| AHRI | American Heritage Rivers Initiative |
| BMP | Best Management Practices |
| BWSR | (Minnesota) Board of Water and Soil Resources |
| CHU and CIC | Cluster Housing Units and Common Interest Community |
| CWP | Clean Water Partnership |
| DNR or MN DNR | (Minnesota) Department of Natural Resources |
| DOT | (Minnesota) Department of Transportation |
| EPA | (U.S.) Environmental Protection Agency |
| EQB | (Minnesota) Environmental Quality Board |
| FRC | Forest Resources Council |
| GD | General Development (a DNR lake classification) |
| GIS | Geographic Information System |
| ISTS | Individual Sewage Treatment System |
| LCMR | Legislative Commission on Minnesota Resources |
| LGU | Local Governmental Unit |
| LLBO | Leech Lake Band of Ojibwe |
| MDH | Minnesota Department of Health |
| MHAC | Mississippi Headwaters Advisory Committee |
| MHB | Mississippi Headwaters Board |
| MFRC | Minnesota Forest Resource Council |
| MHS | Minnesota Historical Society |
| MPCA or PCA | Minnesota Pollution Control Agency |
| NE | Natural Environment (a DNR lake classification) |
| NRCS | (U.S.) Natural Resources Conservation Service |
| OEA | Office of Environmental Assistance |
| OHWM | Ordinary High Water Mark |

| | |
|------|--|
| PUD | Planned Unit Development |
| RD | Recreational Development (a DNR lake classification) |
| RM | River Mile |
| SP | Site Plan |
| SSD | Subordinate Service District |
| SWCD | Soil and Water Conservation District |
| USFS | United States Forest Service |
| WCA | Wetlands Conservation Act |

Appendix 3.

Official Zoning Maps of the MHB Corridor

Mississippi Headwaters Corridor Official Zoning Maps

Mississippi Headwaters Corridor

The MHB Interactive Map is defining the Corridor under the jurisdiction of the MHB on the Mississippi River and on the Headwaters Lakes of Carr, Irving, Bemidji, Stump, Wolf, Andrusia, Cass, Winnibigoshish and Little Winnie. The Map is provided for the length of the river for the unincorporated areas of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison. There is no Corridor in areas incorporated as municipalities.

Map Delineation

The MHB Interactive map is only a representation of the Headwaters Corridor and is not meant as delineations or specifications for the purposes of Public Land Survey systems or methods. The MHB will continue to rely upon the zoning staff to determine if parcels are located in the Mississippi Headwaters Corridor.

<http://www.mississippiheadwaters.org/comprehensiveManagementPlan.asp>

Appendix 4.

County Board Resolution of Adoption



RESOLUTION 2019-02

Mississippi Headwaters Board

Whereas, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

Whereas, a technical and management team was created to comment and suggest changes to the 2002 Comprehensive Plan, and

Whereas, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

Whereas, the MHB accepted changes to the 2002 Comprehensive Management Plan which developed the 2019 Comprehensive Plan,

Now, therefore be it resolved, that the MHB officially adopts the 2019 MHB Comprehensive Management Plan.

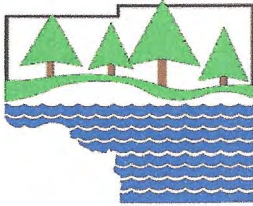
This resolution was adopted by a vote, Ayes 7 Nays: 0, of the Mississippi Headwaters Board on **May 24, 2019** and will be made of record in accordance with the Minutes of same.

I, **Mike Wilson**, Chairman of the Mississippi Headwaters Board (MHB), do hereby certify that I have compared the foregoing with the original resolution filed in the MHB office on the **24th of May A.D. 2019**, and the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL

At Walker, Minnesota, **this 24th day of May, A.D. 2019**


Mike Wilson-Chairman of the Board



**ITASCA COUNTY
BOARD OF COMMISSIONERS**
Itasca County Courthouse
123 NE 4th Street
Grand Rapids, MN 55744

July 9, 2019
Regular Meeting

RESOLUTION 2019-53

**RE: SUPPORT FOR THE MISSISSIPPI HEADWATERS BOARD 2019
COMPREHENSIVE PLAN**

WHEREAS, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

WHEREAS, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

WHEREAS, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

WHEREAS, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

WHEREAS, Itasca County is a member county of the Mississippi Headwaters Board; and

WHEREAS, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan.

NOW, THEREFORE BE IT RESOLVED, that Itasca County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Leo Trunt, District #3 |
| SECONDER: | Ben DeNucci, District #5 |
| AYES: | Davin Tinquist, Leo Trunt, Burl Ives, Ben DeNucci |
| ABSENT: | Terry Snyder |

STATE OF MINNESOTA
Office of County Administrator
ss. County of Itasca

I, BRETT SKYLES, Administrator of the County of Itasca, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 9th day of July A.D. 2019 and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Grand Rapids, Minnesota, this 9th day of July A.D. 2019



Administrator



PROTECTING THE FIRST 400 MILES

RESOLUTION OF ADOPTION FOR THE MISSISSIPPI HEADWATERS BOARD 2019 COMPREHENSIVE PLAN

Whereas, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

Whereas, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

Whereas, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

Whereas, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

Whereas, Clearwater County is a member county of the Mississippi Headwaters Board; and

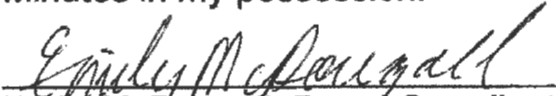
Whereas, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan;

Now, therefore be it resolved, that Clearwater county officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

This resolution was adopted by a vote, Ayes All Nays: , of the Mississippi Headwaters Board on July 30 2019 and will be made of record in accordance with the Minutes of same.

-----Certification-----

I hereby certify that the foregoing is a true and correct copy of a motion presented to and adopted by the Clearwater County Board of Commissioners at a duly authorized meeting thereof, on the 30th day of July 2019, as shown by the Minutes in my possession.


Emily McDougall, Board Coordinator

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED July 9, 2019

By Commissioner: Westerlund

20190709-055

Adoption of Mississippi Headwaters Board 2019 Comprehensive Plan

WHEREAS, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

WHEREAS, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

WHEREAS, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

WHEREAS, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

WHEREAS, Aitkin County is a member county of the Mississippi Headwaters Board; and

WHEREAS, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan.

NOW THEREFORE, BE IT RESOLVED that Aitkin County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

Commissioner Pratt moved for adoption of the resolution and it was declared adopted upon the following vote


FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 9th day of July, 2019 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 9th day of July, 2019



Jessica Seibert
County Administrator

**BOARD OF COUNTY COMMISSIONERS
BELTRAMI COUNTY, MINNESOTA**

DATE: 08-06-2019

RESOLUTION # 19-08-29

MOTION OF COMMISSIONER: Gaasvig

SECONDED BY COMMISSIONER: Anderson

**THE BOARD, BY ADOPTION OF ITS REGULAR AGENDA, APPROVED THE RESOLUTION OF SUPPORT
FOR THE MISSISSIPPI HEADWATERS BOARD 2019 COMPREHENSIVE PLAN**

Whereas, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

Whereas, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

Whereas, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

Whereas, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

Whereas, Beltrami County is a member county of the Mississippi Headwaters Board; and

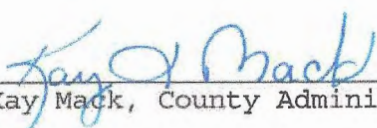
Whereas, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan;

Now, therefore be it resolved, that Beltrami County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

| | <u>YES</u> | <u>NO</u> |
|-----------|------------|-----------|
| Gaasvig | X | |
| Olson | X | |
| Anderson | X | |
| Sumner | X | |
| Lucachick | X | |

STATE OF MINNESOTA)
) ss.
COUNTY OF BELTRAMI)

I, Kay Mack, County Administrator, Beltrami County, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Beltrami County, Minnesota, at their regular session held on August 8, 2019, now on file in my office and have found the same to be a true and correct copy thereof.



Kay Mack, County Administrator

CERTIFIED COPY OF RESOLUTION COUNTY BOARD OF CASS COUNTY

RESOLUTION NO. 40-19

ADOPTED: July 16, 2019

Commissioner Gaalswyk offered Resolution No. 40-19 and moved its adoption; Commissioner Downham seconded

RESOLUTION OF ADOPTION FOR THE MISSISSIPPI HEADWATERS BOARD 2019 COMPREHENSIVE PLAN
Whereas, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

Whereas, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

Whereas, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

Whereas, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

Whereas, Cass County is a member county of the Mississippi Headwaters Board; and

Whereas, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan;

Now, therefore be it resolved, that the Cass County Board of Commissioners officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

Resolution No. 40-19 was adopted by majority vote: Ayes: Downham, Kangas, Bruns, Gaalswyk, Peterson Nays: None

STATE OF MINNESOTA }
County of Cass } ss.
Office of County Administrator }

I, Joshua D. Stevenson, Administrator of the County of Cass, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 16th day of July A. D. 2019, and the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF MY OFFICE
at Walker, Minnesota, this 16th day of July, A. D. 2019.



Joshua D. Stevenson
Cass County Administrator

**CERTIFIED COPY OF COUNTY BOARD RESOLUTION
HUBBARD COUNTY, MINNESOTA**

Commissioner Van Kempen moved the adoption of the following Resolution:

RESOLUTION NO. 08201905

WHEREAS, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-377 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

WHEREAS, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

WHEREAS, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

WHEREAS, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

WHEREAS, Hubbard County is a member county of the Mississippi Headwaters Board; and

WHEREAS, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan;

NOW, THEREFORE, BE IT RESOLVED, that Hubbard County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

Commissioner Krueger seconded the motion for the adoption of the Resolution and it was declared adopted upon the following vote:

Ayes 5 Nays 0

STATE OF MINNESOTA)
)ss.
County of Hubbard)

Office of the Coordinator

I, Eric Nerness, Hubbard County Coordinator, certify the above is a full, true, and correct

copy of a Resolution duly adopted by the Hubbard County Board of Commissioners at its regular meeting held August 20, 2019.



Eric Nerness
Hubbard County Coordinator



PROTECTING THE FIRST 400 MILES

RESOLUTION OF SUPPORT FOR THE MISSISSIPPI HEADWATERS BOARD 2019 COMPREHENSIVE PLAN

2019-067

Whereas, the Mississippi Headwaters Board (MHB), is required by Minnesota Statutes 103F.361-378 to identify and protect the natural, cultural, historical, scientific and recreational values of the first 400 miles of the Mississippi River; and

Whereas, the Mississippi Headwaters Board Technical & Management Committee, consisting of Zoning Administrators from each of the eight counties, met and recommended changes to the 2002 Comprehensive Management Plan; and

Whereas, the MHB Board has reviewed changes to the 2002 Comprehensive Plan at previous board meetings, and

Whereas, the 2002 Comprehensive Management Plan was updated and approved on May 24, 2019 by the Mississippi Headwaters Board to create the 2019 Comprehensive Management Plan; and

Whereas, Morrison County is a member county of the Mississippi Headwaters Board; and

Whereas, a public comment period was given in each of the eight member counties of the Mississippi Headwaters Board to review the 2019 Comprehensive Management Plan;

Now, therefore be it resolved, that Morrison County officially adopts the 2019 MHB Comprehensive Management Plan through this resolution.

This resolution was adopted by a vote, Ayes 5 Nays: 0, of the Mississippi Headwaters Board on 8/6/ 2019 and will be made of record in accordance with the Minutes of same.

STATE OF MINNESOTA }
COUNTY OF MORRISON }

I, Deb Gruber, County Administrator, Morrison County, Minnesota hereby certify that I have compared the foregoing copy of the resolution of the County Board of said County with the original record thereof on file in the Administration Office of Morrison County in Little Falls, Minnesota as stated in the minutes of the proceedings of said board at a meeting duly held on this 6th day of August, 2019, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness by hand and seal this 6th day of August, 2019


Debra Gruber, County Administrator

| Commissioner | Yes | No | Abs | Mot | 2nd |
|--------------|-------------------------------------|----|-----|-------------------------------------|-------------------------------------|
| Jelinski | <input checked="" type="checkbox"/> | | | | |
| Blaine | <input checked="" type="checkbox"/> | | | | <input checked="" type="checkbox"/> |
| Winscher | <input checked="" type="checkbox"/> | | | | |
| Wilson | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |
| LeMieur | <input checked="" type="checkbox"/> | | | | |

Appendix 5.

1980 Joint-Powers Board Agreement

<http://mississippiheadwaters.org/comprehensiveManagementPlan.asp>

Appendix 6.

Minnesota Statutes § 103F.361-377

<https://www.revisor.mn.gov/statutes/?id=103F.361>

Appendix 7

List of Partners

The following is a comprehensive list of past, present, and future MHB supporters and partners (not to be considered exclusive)

Mississippi Headwaters Board Partners

Federal

- Environmental Protection Agency
- US Army Corps of Engineers
- USFS Chippewa National Forest
- Department of Transportation
- National Park Service

State

- Board of Water and Soil Resources
- Department of Natural Resources
- Environmental Quality Council (EQB)
- Itasca State Park
- Legislative Citizens Commission on MN Resources
- Minnesota Historical Society
- Minnesota State Archeology
- MN Department of Health
- MN Department of Transportation
- Office of Environmental Assistance
- MN Pollution Control Agency

County

- County Commissioners
- Planning and Zoning Offices
- County Highway Departments
- County Historical Societies
- Land Commissioners
- Soil and Water Conservation Districts
- Local Water Planning Task Force
- Sentence to Serve

Regional

- American Heritage River Initiative
- Leech Lake Band of Ojibwe
 - Heritage Center
 - Dept. of Resource Management
- Mille Lacs Band of Ojibwe
- River Defense Network
- Mississippi River Parkway Commission
- Mississippi River Basin Alliance
- River Watch Network
- River Network

Other Local Governments

- City of Cass Lake
- City of Little Falls
- City of Baxter
- City of Brainerd
- City of Riverton
- City of Palisade
- City of Aitkin
- City of Grand Rapids
- City of Cohasset

City of La Prairie
City of Walker
City of Bemidji
Bemidji Township
Northern Township
Ten Lake Township
Greater Bemidji Area JPB
Schools

Organizations

Big Sandy Lake Assoc.
Economic Regional Groups
Great River/Great People
Lake Bemidji Watershed Project
Minnesota Power
Mississippi Headwaters Canoe Club
Ottertail Power
Pokegama Lake Assoc.
Tri-County Leech Lake Assoc.
Whitefish Area Property Owners Assoc.
Retired Senior Volunteer Program (RSVP)
Visitors Bureaus and Chambers of Commerce
Star Island Protective League
Enbridge

Foundations

Blandin Foundation
McKnight Foundation
Initiative Foundation